

# Phase I Environmental Site Assessment

Former Timminco Facility  
11380 Smith Road, Aurora, Colorado

October 12, 2009

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Produced For:  
Aurora Smith Road Ventures, LLC



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## **1 SUMMARY**

This property has been used as a magnesium extrusion facility for 40 years, since the land was first developed in 1969. It has supported machine shop activities in multiple areas of the facility. Tanks of oil were required to operate the hydraulic press systems. Various cleaners, including chlorinated solvents and acids, have been used to clean the machinery and materials. Soil and groundwater testing has already been performed at this site over the past 10 years. Oils have been detected in soils, and chlorinated solvents have been detected at very low levels in soil and groundwater. These detections constitute a release of oils and solvents to the subsurface.

Based on the assessment reports of URS 1999 and Walsh 2009, the oil and solvent impacts detected would not require remediation by State regulators. Assessment work by Sundance in September 2009 has not yet been published. The URS 1999 report was submitted to The Colorado Department of Public Health and Environment for review, which resulted in a “no further action” designation for the facility. The NFA letter cautioned that this “does not relieve the property owner of liability or need for possible further actions should problems arise from contamination remaining on site.”

Sundance believes that the extent of oily contamination does appear to be limited based on the assessments performed by URS 1999 and Walsh 2009. However, they have not fully defined the extent of oils and solvents in the subsurface. Specifically, the extent of oily contamination has been shown to reach at least 12 ft below grade such as at URS test location DMW-08 by the 1800 ton press. Additionally, there is a large gap in groundwater testing between DMW-01 and DMW-04, downgradient of the fabrication area and the former Otis area where there has been obvious oil spillage and solvents usage in the past. These assessment efforts did not include sufficient shallow soil testing near the press and hydraulic line pits to evaluate for the presence of leaked oil in these areas. We consider 1) the undefined extent of oil-contaminated soil in multiple locations and 2) the unknown extent of solvents in groundwater in the Otis/fabrication areas to constitute recognized environmental conditions. We believe this warrants further soil and groundwater testing to verify that no significant impacts remain due to operations by a 40-year tenant who is vacating the property. In the absence of this testing, the property owner must be aware that a future tenant or owner may require this type of testing prior to taking responsibility for all potential environmental issues at this property.

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM practice E 1527-05 of the Former Timminco facility at 11380 Smith Road, City of Aurora, Adams County, Colorado, the property. Any exceptions to, or deletions from, this practice, are described in the Deviations section of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property, except:

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- Spillage of oil may have created soil impacts of unknown extent in multiple locations including by the 1800 ton press and oil skimmer room, by the 4200 ton press and fabrication area, by the former Otis sublet and maintenance area, and by the water runoff ditch along the western fence by the southern building.
- It has not been demonstrated that the groundwater near the Otis sublease and fabrication areas contain no impacts above State standards, although an “NFA” was granted for this issue in 1999.

Sundance is also identifying the following environmental concerns: (Environmental concerns could potentially have an impact on the site, but would be considered *de minimis* or out-of-scope under the ASTM Standard Practice. No further action or inquiry is recommended except as noted.)

- Tenant housekeeping should include the disposal of the liquid in the unlabeled Home Depot bucket in a janitor’s closet, the clean up of the free oil on the floor of the fabrication area, and the management of the grey ash/metallic powder by the NW corner outside the southern building, and the propane AST should be closed in the State records;
- There may be some PCBs remaining in the oils of the electrical transformers even though they appear to have been flushed many years ago, and PCBs may occur in other electrical equipment or lighting ballasts. Unless documentation of testing is available, this electrical equipment will require testing for PCBs and possible special handling when this equipment is upgraded in the future.

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## **2 INTRODUCTION**

### **2.1 PURPOSE**

The purpose of this Phase I Report is to identify recognized environmental conditions, meaning “the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with applicable laws. The term is not intended to include *de minimis* conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not recognized environmental conditions” (ASTM 2005).

### **2.2 DETAILED SCOPE-OF-SERVICES**

The scope of services includes performing a Phase I Environmental Site Assessment in accordance with ASTM Standard Practice E 1527-05. All appropriate inquiry into the previous ownership and uses of the property will be consistent with good commercial and customary practice for identifying recognized environmental conditions, if any, at the subject property. The work to be performed includes records review, site reconnaissance, interviews, and data evaluation/report preparation.

### **2.3 SIGNIFICANT ASSUMPTIONS**

Significant assumptions include that the location of the property has been adequately defined by the user, that knowledgeable site personnel will be available for interviewing, and that the property will be reasonably accessible for inspection.

### **2.4 LIMITATIONS AND EXCEPTIONS**

Uncertainty Not Eliminated. No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in

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connection with a property, and this practice recognizes reasonable limits of time and cost (ASTM 2005).

Not Exhaustive Assessment. An exhaustive assessment has not been made on the subject property due to additional cost needed to obtain information or in the time required to gather it could outweigh the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions.

Level of Inquiry is Variable. Not every property requires the same amount of environmental assessment work. Consistent with good commercial or customary practice, the appropriate level of environmental site assessment will be guided by the type of property subject to assessment, the expertise and risk tolerance of the user, and the information developed during the course of the inquiry (ASTM 2005).

Comparison With Subsequent Inquiry. It should not be concluded or assumed that an inquiry was not all appropriate inquiry merely because the inquiry did not identify recognized environmental conditions in connection with the subject property. Environmental site assessments must be evaluated based on the reasonableness of the judgments made at the time and under the circumstances in which they were made (ASTM 2005).

Continued Viability of Phase I Environmental Site Assessment. It is important to note that, according to the ASTM E 1527-05 standard, a Phase I is considered valid for 180 days. Beyond that, a Phase I that is still less than one year old could be considered valid if it is updated in several key areas, including interviews, record searches, and the visual inspection.

Legal Requirements. This assessment does not address requirements of any local, state, or federal laws other than the all appropriate inquiry for CERCLA's landowner liability protections. Users are cautioned that federal, state, and local laws may impose environmental assessment obligations that are beyond the scope of this practice. Users should also be aware that there are likely to be other legal obligations with regard to hazardous substances or petroleum products discovered on the property that are not addressed in this practice and may pose risks of civil and/or criminal sanctions for noncompliance.

## **2.5 SPECIAL TERMS AND CONDITIONS**

There are no special terms or conditions.

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## **2.6 USER RELIANCE**

The User may be expected to rely on this report to fulfill all appropriate inquiry requirements for identifying recognized environmental conditions in connection with the subject property. The User for this report is Aurora Smith Road Ventures, LLC.

The User may want to consider evaluating several items in connection to commercial real estate which are beyond the scope of an ASTM E 1527-05 Phase I, including but not limited to: asbestos-containing building materials, radon, lead-based paint, lead in drinking water, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, biological agents, and mold.

The User should be aware that review of recorded land title records and judicial records for environmental liens or activity and use limitations is outside the scope of an ASTM Phase I. The user should engage a title company or title professional to undertake these reviews.



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### **3 SITE DESCRIPTION**

#### **3.1 LOCATION AND LEGAL DESCRIPTION**

Location: 11380 Smith Road, also addressed as 3355 Moline Street, City of Aurora, Adams County, Colorado.

Legal Description: SUB: MORRIS HEIGHTS FILING NO. 2 AMENDED BLK: 18  
DESC: BEG AT NW COR BLK 18 TH S ALG W LN SD BLK 584/69 FT TH ELY ON  
ANG TO LEFT OF 90 D 471/235 FT TH NLY ON ANG TO LEFT OF 90 D 536/545 FT  
TO NLY LN SD BLK TH NLY ON ANG TO LEFT OF 84 D 10 473/69 FT TO POB EXC  
30 FT.

#### **3.2 SITE AND VICINITY GENERAL CHARACTERISTICS**

Lot Size: 7.53 acres.

Property Type: Commercial.

Zoning: M-3.

Fire Dept.: Aurora Fire Department.

Surface Gradient: Southwest toward Sand Creek.

Groundwater Flow: Northwest (per Robson 1996.)

#### **3.3 CURRENT USE OF THE PROPERTY**

The property has largely been vacated. It consists of two large warehouse-like buildings with an office area, and parking or storage areas. The office area still has some furniture, fixtures, and cleaning supplies. Some mechanical equipment remains in the production areas.

#### **3.4 PAST USES OF THE PROPERTY**

The property was undeveloped at least back to 1957, according to historic topographic maps. The north building was built in 1969 and the south building followed in 1972.

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Up until 1998, the buildings were leased for the Dow Chemical Magnesium Extrusion fabrication plant. From the mid-1970's until 1986, the machine shop area of the main building was sub-leased to Otis Elevator. Timminco Corporation bought the extrusion business in 1998 and continued to lease the property.

The facility can process about 15 million pounds of magnesium annually. Magnesium ingots were extruded through the 4200 ton press to form poles, which were cut into billets. The billets were extruded through the 1800 ton press into various shapes. These products were either shipped or sent to the fabrication area for further work. Fabrication consisted of dry machining or plastic component addition.

### **3.5 DESCRIPTION OF STRUCTURES, ROADS, OTHER IMPROVEMENTS ON THE SITE**

The north building comprises 78,221 square feet. There is an additional 9,000 square feet of office space facing Smith Road on the north. The south building comprises 38,660 square feet. The buildings were constructed in 1969 and 1972, with renovation in 1990.

Both buildings have well-distributed electrical power, 4,000 Amp/480 V. The office areas are air-conditioned. The heat is radiant and gas-forced air. There are two drive-in loading doors and three dock-high loading doors. The facility is served by public water and sewer services.

Paved asphalt and concrete parking surrounds most of the buildings. Some pavement is in deteriorating condition. Grass exists to the front of the property on Smith Road, and there is a gravel area that has been used for storage on the west side of the main building.

### **3.6 CURRENT USES OF ADJOINING PROPERTIES**

North:	No address	Railroad Right-Of-Way
East:	3596 Moline St.	Low Price Auto Surface Preparation Alex's Auto Repair Adonai CNC Technical Svc. Rocky Mountain Interlock Raleigh Roofing Mountain High Landscape Denver Dent Denver Cichlidarium

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		Tropical Fish A-Team Services Conolly Construction Advanced Window Systems DNAS, Inc.
	3576 Moline St. 3344 Moline St.	Rocky Mountain Info Mgmt. Rocky Mountain Info Mgmt.
South:	3333 Moline St.	Russell Stover Candy
West:	10500 Smith Rd.	Closed landfill area next to Denver County Jail

### **3.7 PAST USES OF ADJOINING PROPERTIES**

Commercial development of the east-adjoining and south-adjoining properties started in the 1970's. There was a landfill area approximately 150 feet east of the subject property in operation from 1958-60. That site was Investigated and found to have low environmental risk to the subject property.

The west-adjoining property was used for landfill of "construction debris and household solid waste" around the 1960's. Although the landfill area to the west has not been studied by regulatory bodies, it is downgradient of the site and not considered an environmental risk under current conditions.

The north-adjoining property has been railroad tracks since the early 1900's.

## **4 USER PROVIDED INFORMATION**

### **4.1 TITLE RECORDS**

No title records were available for review.

### **4.2 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS**

None known to User.

### **4.3 SPECIALIZED KNOWLEDGE**

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None known to User.

#### **4.4 COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION**

The metal being processed was primarily magnesium. There are areas of spilled oil in the buildings.

#### **4.5 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES**

None known.

#### **4.6 OWNER, PROPERTY MANAGER, AND OCCUPANT INFORMATION**

The building has primarily been leased to Timminco and its predecessors since construction. Contact Michael Still and Jim Baker of Timminco.

#### **4.7 REASON FOR PERFORMING PHASE I**

Tenant has left the property and owner needs to make sure there are no environmental problems.

#### **4.8 OTHER**

User provided a previous Phase I (Freedom 2006) and Phase II (Walsh 2009) report on the property. These are reviewed in a subsequent section of this report.

### **5 RECORDS REVIEW**

#### **5.1 STANDARD ENVIRONMENTAL RECORD SOURCES AND RESULTS**

The primary environmental record source is Environmental Data Resources, Inc. (EDR), which is a standard provider for this information to the industry. Portions of the EDR Report is in the Appendix. The following listings are within the search radius specified by ASTM 2005, around the subject property.

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Database	Facility/Address (Aurora/Denver, CO)	Comments
RCRA-SQG FINDS AST	Timminco Corp. 3355 Moline St.	On-site. RCRA Status: Permitted to generate D007 (Chromium) and F002 (Halogenated Solvents) hazardous wastes.  Notice of Violation: 9/23/02. Areas of Violation: waste accumulation time, used oil management, paperwork entries, and Land Disposal Restriction issues. Date Achieved Compliance: 12/4/02.  Facility Self-Disclosure 7/7/08 no issues listed. Focused Compliance Inspection 2/20/08 no issues noted.  AST Status: One LPG tank open.
FINDS RCRA-CESQG	Old Castle Glass 11205 E. 37 <sup>th</sup> Ave.	832 ft NW. Downgradient Status: Notice of Violation for Generators General on 12/3/84 and Enforcement Action informal on 4/15/85.
LUST FINDS UST RCRA-CESQG	Frito-Lay 11645 E. 37 <sup>th</sup> Ave.	1047 ft ENE, Cross-gradient LUST Status: Closed 3/14/97, 11/16/90. UST Status: Closed six tanks. RCRA Status: No violations.
CERCLIS FINDS	SIA Aurora Treatment Plant, 33 <sup>rd</sup> and Lima	1067 ft S, Up- or cross-gradient Status: Low priority for further assessment as of 12/15/95. 58 acre area, some impacts of VOCs and SVOCs to groundwater exist. Not considered an issue for subject property since it is not directly upgradient, and EPA has screened it as a low priority.
AST	Vance Brothers 3313 Moline	1082 ft S, Up- or cross-gradient AST: LPG tank onsite
LUST UST AIRS	Flannagan Read-Mix 11400 E 33 <sup>rd</sup> Ave	1138 ft S, Up- or cross-gradient Two large diesel tanks leaked. Facility now closed. AIRS: permitted for particulate emissions

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CORRACTS RCRA NON-GEN	Pull N Save Auto Parts 11602 E 33 <sup>rd</sup> Ave	1369 ft SE, Upgradient Corrective measures evaluated in 2005, work plan approved, Focused compliance inspection by State in 2007, no reported findings. Does not appear to be a significant issue for the site, due to distance and regulatory status.
LUST UST	Dixon Paper Co. 3900 Lima St.	1700 ft N. Cross- or downgradient LUST Status: Closed 3/19/90. UST Status: Closed two tanks.
LUST UST	Nome Industrial Center 3850 Nome St.	1743 ft NE. Cross-gradient LUST Status: Closed 12/13/96. UST Status: Closed one tank.
LUST LAST	TruServ 11275 E. 40 <sup>th</sup> Ave.	2214 ft N. Cross- or down-gradient LUST Status: Closed 12/8/03. LAST Status: Closed 12/4/03.
LUST UST	United Railroad Services - 3151 Nome	1929 ft SSE, Up-gradient 2 diesel tanks, now facility is closed
FINDS LUST RCRA NON-GEN	Matco (ProVans) 3263 Oakland	1961 ft SE, Up-gradient Tank facilities are reported as closed. No violations reported
LUST	Aurora Disposal 3995 Nome St.	2418 ft NNE. Cross-gradient LUST Status: Closed 10/25/96.
LUST UST AST LUST TRUST	Pemco Texaco 3558 Peoria St.	2440 ft E. Cross-gradient LUST Status: Closed 4/23/91. UST Status: Closed five tanks. AST Status: Closed one tank.
LUST	Sims Tire 3737 Peoria St.	2486 ft ENE. Cross-gradient Status: Closed 3/13/90.
LUST	Heart's Jiffy Stops 3351 Peoria St.	2564 ft ESE. Upgradient Status: Closed 10.26/90.

## **5.2 ADDITIONAL ENVIRONMENTAL RECORD SOURCES AND RESULTS**

File Review – Colorado Department of Labor and Employment Division of Oil and Public Safety (CDLE-OPS)

Sundance performed an on-line public records review of LUST sites located up- or cross-gradient from the subject property at CDLE-OPS and is summarized as follows:

**Frito Lay Inc. – 11645 E 37<sup>th</sup> Ave.** The site is located hydrogeologically cross-gradient approximately 500 feet from the subject property. Two events are listed with

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the online database, one No Further Action (NFA) letter was issued by CDLE-OPS on November 20, 1990 and the other NFA was issued on March 30, 1998. Groundwater monitoring was not required. Based on location, distance, and regulatory status the finding is not considered a recognized environmental condition.

**Flanagan Ready Mix – Sand Creek – 11400 33<sup>rd</sup> Ave.** The site is located hydrogeologically up-gradient approximately 650 feet from the subject property. Groundwater monitoring was not required and a NFA letter was issued by CDLE-OPS on November 23, 1998. Based on location, distance, and regulatory status the finding is not considered a recognized environmental condition.

**Nome Industrial Center – 3850 Nome St.** The site is located hydrogeologically cross-gradient approximately 1,100 feet from the subject property. No Further Action letter was issued by CDLE-OPS on February 14, 1997. Based on location, distance, and regulatory status the finding is not considered a recognized environmental condition.

**Matco (Pro Vans) – 3263 Oakland St.** The site is located hydrogeologically up-gradient approximately 1,200 feet from the subject property. Groundwater monitoring was not required and a No Further Action letter was issued by CDLE-OPS on April 15, 1995. Based on location, distance, and regulatory status the finding is not considered a recognized environmental condition.

**United Railroad Services – 3151 Nome St.** The site is located hydrogeologically up-gradient approximately 1,450 feet from the subject property. Groundwater monitoring was not required and a No Further Action letter was issued by CDLE-OPS on September 24, 2002. Based on location, distance, and regulatory status the finding is not considered a recognized environmental condition.

**Hearts Jiffy Stops – 3351 Peoria St.** The site is located hydrogeologically up-gradient approximately 1,950 from the subject property. A No Further Action letter was issued by CDLE-OPS on March 12 1993. Based on location, distance, and regulatory status the finding is not considered a recognized environmental condition.

**Sims Tire – 3737 Peoria St.** The site is located hydrogeologically cross-gradient approximately 2,100 feet from the subject property. Groundwater monitoring was not required and a No Further Action letter was issued by CDLE-OPS on April 20, 2000. Based on location, distance, and regulatory status the finding is not considered a recognized environmental condition.

**Pemco Texaco – 3558 Peoria St.** The site is located hydrogeologically cross-gradient approximately 2,300 feet from the subject property. A No Further Action letter was issued by CDLE-OPS on May 5, 1995. Based on location, distance, and regulatory status the finding is not considered a recognized environmental condition.

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File Review – Colorado Department of Public Health and Environment (CDPHE)

Sundance requested a public records listing of files at CDPHE located up- or cross-gradient from the subject property on September 26, 2009.

**Dow Chemical Magnesium Extrusion Facility-11380 E. Smith Rd.** This is the subject property which has operated as an industrial facility for decades. Industrial quantities of oils, solvents, metals, acids and PCBs were used and possibly spilled over the years. The “Phase II Investigation Report for the Dow Chemical Magnesium Extrusion Facility, Aurora, CO” prepared by URS Greiner Woodward Clyde and dated January 1999 (URS 1999) indicates soil and groundwater impacts of VOCs with concentrations below regulatory standards. A No Further Action letter was issued by CDPHE on February 9, 1999. Although the testing data does not indicate massive releases have occurred, the potential does exist due to long-term facility usage. Sundance believes that some additional testing of shallow soils, and Otis shop and fabrication area groundwater, are needed to limit the risk of “surprise” levels of impacts in these areas.

**Timminco Corporation-3555 Moline St.** This is the subject property which operated as an industrial facility following Dow Chemical and is listed as a RCRA small quantity generator, FINDS and AST site. Industrial quantities of machine and hydraulic oils, solvents, metals, and PCBs were used and possibly spilled over the years. The “Phase II Environmental Site Assessment” for Timminco by Walsh Environmental Scientists and Engineers, dated August 31, 2009 (Walsh 2009) was intended to mirror the URS 1999 report. TPH was detected in soil and at levels exceeding the 500 mg/kg screening threshold. However, VOCs, SVOCs, and metals were detected in soil and groundwater at concentrations below regulatory standards. This work tested the same areas as the URS 1999 effort, and therefore left the same areas untested as described above.

Freedom Environmental performed a Phase I for this property dated December 18, 2006. This report contains important property documentation information. No recognized environmental conditions were identified.

**SIA Aurora Treatment Plant - SIA at 33rd & Lima (a.k.a. SIA Dump @ 34th & Kingston Site)** The site is listed as a CERCLIS and a FINDS site located hydrogeologically cross-gradient, possibly up-gradient approximately 1,250 feet from the subject property. The dump was historically used as sewage treatment and disposal. The site has undergone the VCUP process through the CDPHE for corrective action of soil and groundwater contaminated with chlorinated hydrocarbons with the installation of a slurry wall and groundwater monitoring. Based on location, distance, and regulatory status the finding is not considered a recognized environmental condition.



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**Old Landfill Property, 11600 Smith Road**

Files were reviewed regarding this former landfill area approximately 150 feet east of subject property. File excerpts are attached to this report. Phase II activities were performed by others in 1999. Samples of soil and groundwater were taken. Low levels of metals and volatile organic chemicals were found in the soil. Low levels of dissolved metals and volatile organic chemicals were found in the groundwater. However, the levels were below State action levels. The State issued a No Further Action letter for the site on May 10, 1999.

**5.3 PHYSICAL SETTING SOURCES**

Site Photographs  
Current USGS Topographic Map  
Current Aerial Photograph  
Hydrologic Atlas (Robson 1996)

**5.4 BASIC HISTORICAL USE INFORMATION (PROPERTY AND ADJOINING)**

EDR USGS Topographic Maps

Year	Site	Adjoining
1901	Undeveloped	Area is undeveloped.
1957	Undeveloped	Undeveloped to east and south. Undeveloped to west. Railroad tracks appear to north. Sewage disposal plant exists farther south.
1965	Undeveloped	Undeveloped to east and south. Landfill appears to west. Railroad tracks appear to north.
1971	North on-site building appears	Undeveloped to east and south. Landfill appears to west. Railroad tracks appear to north.
1994	Both on-site buildings appear	Current buildings appear to east and south. Landfill appears to west. Railroad tracks appear to north.

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EDR Aerial Photographs

Year	Site	Adjoining
1963	No buildings are present. Land does not appear to be in use.	No buildings present. Railroad tracks appear to north. Open space appears to west with possible landfiling operations visible. Sewage treatment plant and lagoons appear further south.
1977	Both current buildings appear.	Current buildings appear to east and south, except for at southeast corner of Moline and Smith. Railroad tracks appear to north. Open space appears to west, with no evidence of landfiling operations. Sewage treatment plant lagoons are no longer observed.
1984	Both current buildings appear.	Current buildings appear to east and south. Railroad tracks appear to north. Open space appears to west.
1991	Both current buildings appear.	Current buildings appear to east and south. Railroad tracks appear to north. Open space appears to west.
1993	Both current buildings appear.	Current buildings appear to east and south. Railroad tracks appear to north. Open space appears to west.
2005	Both current buildings appear.	Current buildings appear to east and south. Railroad tracks appear to north. Open space appears to west.

EDR Sanborn Fire Insurance Maps

No Coverage.

EDR City Directories

Year	Site	Adjoining
1964	NL	NL
1969	NL	NL
1974	NL	NL
1979	NL	NL

## **5.5 REGULATORY RECORD SOURCES**

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Adams County Assessor

Parcel: 0182326101032

Account #: R0093877.

Commercial Property Profile shows owner as Aurora Smith Road Ventures LLC.  
Legal Description: SUB: MORRIS HEIGHTS FILING NO. 2 AMENDED BLK: 18  
DESC: BEG AT NW COR BLK 18 TH S ALG W LN SD BLK 584/69 FT TH ELY  
ON ANG TO LEFT OF 90 D 471/235 FT TH NLY ON ANG TO LEFT OF 90 D  
536/545 FT TO NLY LN SD BLK TH NLY ON ANG TO LEFT OF 84 D 10 473/69  
FT TO POB EXC 30 FT.

Subdivision Plat: Morris Heights Filing No. 2 Amended.

Valuation Summary: Land Type is Commercial, with 5.7 acres of land area.

Building One Summary: Office Building, 8750 sf, built 1969.

Building Two Summary: Office Building, 69,471 sf, built 1969.

## **6 SITE RECONNAISSANCE**

### **6.1 METHODOLOGY AND LIMITING CONDITIONS**

On 9/18/09, SEC personnel inspected the property. Access was open for all areas.

### **6.2 GENERAL SITE SETTING**

The subject property is in an industrial/commercial area, with industrial/commercial buildings to the east and south, railway right-of-way to the north, and a closed landfill to the west. There is also a closed landfill approximately 150 feet east.

### **6.3 EXTERIOR OBSERVATIONS**

The two on-site buildings appear in variable physical condition. Most of the property is paved with asphalt for parking, or concrete for parking or storage. The property is mostly fenced. There is a gravel area to the west of the main building, and grass areas along the north of the property. Some oil stains exist on the pavement. There is no outdoor storage at this time. However, there is a stockpile of roadbase material and broken concrete on the west side. Some of the abandoned monitoring wells from prior investigations were observed. An electrical transformer on the west side of the main building was marked as containing no PCBs.

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Along the western fence, just north of the southern building, there appears to be an area where surface water flows off of the property. The ground is stained with oil on the outside of the fence for about 20 ft of the run-off ditch. There is a sewer manhole with unknown contents that may be for channeling water drainage to this area. There is an area on-property near here with a grey powder on the concrete, which may be ash or fines from a light-weight metal. No vents were observed that would indicate an underground storage tank was present.

## **6.4 INTERIOR OBSERVATIONS**

The office area at the north end of the north building was unoccupied. Some plans were found which were building construction drawings. There were some household cleaners still stored there. There was one, unlabelled "Home Depot" bucket in a closet that was half-full of an unknown liquid.

The main part of the north building was an unoccupied warehouse building. In limited areas, there was significant oil staining/residue on the floors, including near the machine shop/Otis Elevator area, near the 4200 ton press area, and in the fabrication area. There was some exposed insulation on pipes, as well as mercury vapor lamps. The former press pits and hydraulic trenches had been backfilled and concreted to grade. The building had been vacated, and swept up, but not cleaned of all metal and oil residues. Floor drains were not observed in these areas.

The south building was vacant. This former machine shop showed evidence of oil and grease accumulation and staining near the 1800 ton press and the oil skimmer room. Some spray-on insulation was loose on some walls. The former pits and trenches had been backfilled and concreted to grade. Floor drains were not observed.

Electrical transformers were located throughout the buildings. Those that appeared to contain oils were marked as no longer containing PCBs.

**Phase I Environmental Site Assessment  
Former Timminco Facility, 11380 Smith Road, Aurora, CO**

## **7 INTERVIEWS**

### **7.1 INTERVIEW WITH OWNER**

The owner of the property, Aurora Smith Road Ventures, LLC was interviewed as the User of this report, as described above in Section 4. The business owner, Timminco, was interviewed through three individuals, including Michael Still, Dan Hartman, and Jim Baker.

Michael Still, Comptroller, has been at the property for 3 years, and does not consider himself a key site manager for Phase I purposes. Dan Hartman and Jim Baker would be the most knowledgeable regarding production floor activities.

### **7.2 INTERVIEW WITH SITE MANAGER**

Dan Hartman has been an employee since 1998 when Timminco came to the property. He has been Director of Environmental Health and Safety for two years. Timminco has leased since 1998. Date of construction is unknown. Previous occupant was Dow, which operated as magnesium extrusion and fabrication facility. No known environmental conditions on site. No adverse administrative proceedings against property. Surrounding properties have included landfills. There are drums for fresh and used oil, and for hydrochloric acid. Some fill dirt was brought in for 4200 ton press to fill the pits. There is some oil staining in buildings. Wells were installed by URS and Walsh and are now abandoned. There was oil separator by the 1800 ton press. Solvents used were environmentally friendly. Most likely location of contamination would be by presses.

Jim Baker was maintenance lead for the previous occupant, Timminco, and has been working at the plant for 16 years. The primary oil usage was hydraulic oil (100 wt, 68 wt) for the presses. Oil storage tanks existed near the 4200 ton press, and in oil skimmer/oil storage room by the 1800 ton press. Other fabrication equipment used hydraulic oil in smaller vessels; no cutting oils were needed or used to cut the magnesium. Main hydraulic lines were in trenches, and the 4200 ton press was in a pit. The bottom of the pit is about 5 ft thick with reinforced concrete. If there was a significant leak, the oil could accumulate in the pit prior to being vacuumed up. The pits and trenches were filled with concrete when the shop was shut down. The “black staining” on the floor is not from magnesium or oil, but is worn areas of the “master plate” industrial floor, which has metal and glass in the concrete mix for durability.

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Solvents like “tri-chloride” were used to clean the oils from the equipment by spraying it on with a hand sprayer and wiping off. Some years ago the solvent used was changed to a “green” cleaner. Solvents were used in the maintenance shop, and the lab room. The former activities in the Otis Elevator sublet area are unknown.

Oil and solvents storage, other than in the oil ASTs, occurred in drums inside the oil skimmer room. Only empty drums were stored outside, on their sides. Some spillage is known to have occurred in the oil skimmer room. No outdoor oil spillage is reported. Liquids disposal was through Safety Clean and Clean Harbors.

The areas of higher spillage expectation are primarily in the oil skimmer room and by the 1800 ton press, and to a lesser extent beneath the 4200 ton press pit. The 1800 ton press was installed first, and did not have the high degree of containment that the 4200 ton press had. Care was taken not to allow magnesium metal fines to get into the waterways, because magnesium can be toxic to fish in Sand Creek.

### **7.3 INTERVIEW WITH OCCUPANTS**

See interviews with Timminco personnel above.

### **7.4 INTERVIEW WITH LOCAL GOVERNMENT OFFICIALS**

#### Aurora Fire Department

The office of Deputy Fire Marshal Bob Leigh, 303-326-899, states that no records were found concerning calls to the property for hazardous materials or spills.

#### Denver Dept. of Environmental Health

Dave Ericson, 720-865-5433, states that the landfill adjoining site to the west extended over to Havana Street. It is said to contain methane and municipal solid waste. Sundance believes that this landfill to the west is unlikely to affect the subject property with its current land usage because groundwater flow beneath this landfill is away from the subject property, and monitoring wells installed along the fence between the closed landfill and the subject property did not display significant impacts.

### **7.5 INTERVIEW WITH OTHERS**

Wayne White of Otis Elevator in Denver, 303-298-9300, says he has been with Otis for 30 years. He has no recollection of a facility near Smith and Moline.

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Former Timminco Facility, 11380 Smith Road, Aurora, CO**

## **8 FINDINGS**

### **1. How was/is the property being used?**

The property appears to be undeveloped land until approximately 1969, when the main building was constructed. The Dow Chemical Magnesium Extrusion facility fabricated solid shape products there until 1986. From 1972-86, Otis Elevator maintained the machine shop area in a sub-lease arrangement with Dow. Timminco Corporation purchased the business from Dow around 1998, and continued the magnesium extrusion activities until they vacated the property in August 2009.

### **2. What substances were/are used on the property?**

The primary metal extruded at this site was magnesium, and no evidence of heavy metal usage was noted. Significant quantities of oil were used for the hydraulically-driven presses. Cleaning compounds have included chlorinated solvents in the past, but more recently “green” cleaners have been in use. Some acids have always been used to clean the dies.

The following substances were encountered during the site inspection: Sodium metasilicate, propylene glycol, Ultra-Sorb, Drano, paint, primer, sodium hydroxide, Syndegly low pH degreaser, and cleaner/degreaser solvents. Mercury vapor lamps were in evidence.

### **3. Were/are wastes managed or disposed there?**

The metal scraps and used oils were recycled. Solvents or oils disposal was through the disposal companies Safety Clean and Clean Harbors. Spent liquids storage occurred inside the buildings such as in the oil skimmer room. There was an outdoor storage area on the west side of the north building for empty oil drums.

### **4. What cleanup has been/is being conducted?**

There are no documented cleanups for this property. It appears that some of the electrical transformers have been flushed of their PCB oils, and it is assumed that these oils were disposed properly. In the oil skimmer room, it is evident that oils have been on the floor and subsequently cleaned up, such as with Ultra-Sorb.

### **5. Are there any engineering controls in place?**

None known.

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Former Timminco Facility, 11380 Smith Road, Aurora, CO**

**6. Are there any institutional controls—restrictions on access or use?**

None known.

**7. Will/has contamination from nearby properties migrate(d) onto the property?**

No plumes were identified to be migrating onto this property.

## **9 OPINION**

This property has been used as a magnesium extrusion facility for 40 years, since the land was first developed in 1969. It has supported machine shop activities in multiple areas of the facility. Tanks of oil were required to operate the hydraulic press systems. Various cleaners, including chlorinated solvents and acids, have been used to clean the machinery and materials. Soil and groundwater testing has already been performed at this site over the past 10 years. Oils have been detected in soils, and chlorinated solvents have been detected at very low levels in soil and groundwater. These detections constitute a release of oils and solvents to the subsurface.

Based on the assessment reports of URS 1999 and Walsh 2009, the oil and solvent impacts detected would not require remediation by State regulators. Assessment work by Sundance in September 2009 has not yet been published. The URS 1999 report was submitted to The Colorado Department of Public Health and Environment for review, which resulted in a “no further action” designation for the facility. The NFA letter cautioned that this “does not relieve the property owner of liability or need for possible further actions should problems arise from contamination remaining on site.”

Sundance believes that the extent of oily contamination does appear to be limited based on the assessments performed by URS 1999 and Walsh 2009. However, they have not fully defined the extent of oils and solvents in the subsurface. Specifically, the extent of oily contamination has been shown to reach at least 12 ft below grade such as at URS test location DMW-08 by the 1800 ton press. Additionally, there is a large gap in groundwater testing between DMW-01 and DMW-04, downgradient of the fabrication area and the former Otis area where there has been obvious oil spillage and solvents usage in the past. These assessment efforts did not include sufficient shallow soil testing near the press and hydraulic line pits to evaluate for the presence of leaked oil in these areas. We consider 1) the undefined extent of oil-contaminated soil in multiple locations and 2) the unknown extent of solvents in groundwater in the Otis/fabrication areas to constitute recognized environmental conditions. We believe this warrants further soil and groundwater testing to verify that no significant impacts remain due to operations by a 40-year tenant who is vacating the property. In the absence of this testing, the property owner must be aware that a future tenant or owner may require this



**Phase I Environmental Site Assessment  
Former Timminco Facility, 11380 Smith Road, Aurora, CO**

type of testing prior to taking responsibility for all potential environmental issues at this property.

## **10 CONCLUSIONS**

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM practice E 1527-05 of the Former Timminco facility at 11380 Smith Road, City of Aurora, Adams County, Colorado, the property. Any exceptions to, or deletions from, this practice, are described in the Deviations section of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property, except:

- Spillage of oil may have created soil impacts of unknown extent in multiple locations including by the 1800 ton press and oil skimmer room, by the 4200 ton press and fabrication area, by the former Otis sublet and maintenance area, and by the water runoff ditch along the western fence by the southern building.
- It has not been demonstrated that the groundwater near the Otis sublease and fabrication areas contain no impacts above State standards, although an “NFA” was granted for this issue in 1999.

Sundance is also identifying the following environmental concerns: (Environmental concerns could potentially have an impact on the site, but would be considered *de minimis* or out-of-scope under the ASTM Standard Practice. No further action or inquiry is recommended except as noted.)

- Tenant housekeeping should include the disposal of the liquid in the unlabeled Home Depot bucket in a janitor’s closet, the clean up of the free oil on the floor of the fabrication area, and the management of the grey ash/metallic powder by the NW corner outside the southern building, and the propane AST should be closed in the State records;
- There may be some PCBs remaining in the oils of the electrical transformers even though they appear to have been flushed many years ago, and PCBs may occur in other electrical equipment or lighting ballasts. Unless documentation of testing is available, this electrical equipment will require testing for PCBs and possible special handling when this equipment is upgraded in the future.

## **11 DEVIATIONS**

There have been no significant deviations from the ASTM Standard Practice E 1527-05 in performing this Phase I, except that the use of the land prior to that shown on the 1957 topographic map and the 1963 aerial photograph is estimated and not known for certain.

**Phase I Environmental Site Assessment  
Former Timminco Facility, 11380 Smith Road, Aurora, CO**

## **12 ADDITIONAL SERVICES**

No additional services have been contracted with Sundance regarding the subject property, except: Sundance is performing Phase II scoped to include shallow soil testing near oil staining areas.

## **13 REFERENCES**

ASTM 2005. Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. ASTM Designation E 1527-05, ASTM International, 2005.

Freedom 2006. Phase I Environmental Site Assessment, Timminco Property. Prepared by Freedom Environmental, December 18, 2006.

Robson 1996. Geohydrology of the Shallow Aquifers in the Denver Metropolitan Area, Colorado. Hydrologic Investigations Atlas, S.G. Robson et al., U.S. Geological Survey, 1996.

URS 1999. Phase II Environmental Investigation, Dow Chemical Magnesium Extrusion Facility. Prepared by URS Greiner Woodward Clyde, January 21, 1999.

Walsh 2009. Phase II Environmental Site Assessment, Timminco. Prepared by Walsh Environmental Scientists and Engineers, LLC, August 31, 2009.

Also see the additional resource information documented in the appendix.

**Phase I Environmental Site Assessment  
Former Timminco Facility, 11380 Smith Road, Aurora, CO**

## **14 SIGNATURE OF ENVIRONMENTAL PROFESSIONAL**

Sundance Environmental Consultants, Inc. certifies and agrees that:

- 1) Sundance Environmental Consultants, Inc. has no present or contemplated interest in the property inspected.
- 2) Sundance Environmental Consultants, Inc. has no personal interest in or bias with respect to the subject matter of the assessment report or the participants to the sale. This environmental assessment report is not based in whole or in part upon the race, color, or national origin of the prospective owners or occupants of the property inspected, or upon the race, color or national origin of the present owners or occupants of the properties in the vicinity of the property inspected.
- 3) Sundance Environmental Consultants, Inc. has inspected the property, and has made an exterior inspection of all neighboring properties in the report. To the best of their knowledge and belief, all statements and information in this assessment report are true and correct, and they have not knowingly withheld any significant information.
- 4) All conclusions and opinions concerning the property assessed in this report were prepared by Sundance Environmental Consultants, Inc.

I declare that, to the best of my professional knowledge and belief, I met the definition of environmental professional as defined in Section 312.10 of 40 CFR 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.



10/12/09

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Craig L. Dunning

-----  
Date

**Phase I Environmental Site Assessment  
Former Timminco Facility, 11380 Smith Road, Aurora, CO**

## **15 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL**

Mr. Dunning has produced over 800 Phase I Environmental Site Assessments in the period dating from 1994 to the present. Mr. Dunning has a Master of Science degree in Environmental Engineering, along with a Bachelor of Engineering degree in Direct Energy Conversion. He developed the report format for Phase I Environmental Site Assessment for Advanced Enviro Services of Arvada, Colorado in 1994 from the first ASTM standards. Pertinent continuing education has included attended training sessions regarding EPA's new All Appropriate Inquiry requirements and the revised ASTM E1527-05 Phase I standard at the 2005 Brownfields Conference in Denver, CO.

## **16 APPENDICES**

### **16.1 SITE MAP**

Site Map  
Groundwater Flow Map

### **16.2 SITE PHOTOGRAPHS**

### **16.3 HISTORICAL RESEARCH DOCUMENTATION**

EDR Historical Topographic Map Report  
EDR Aerial Photo Decade Package

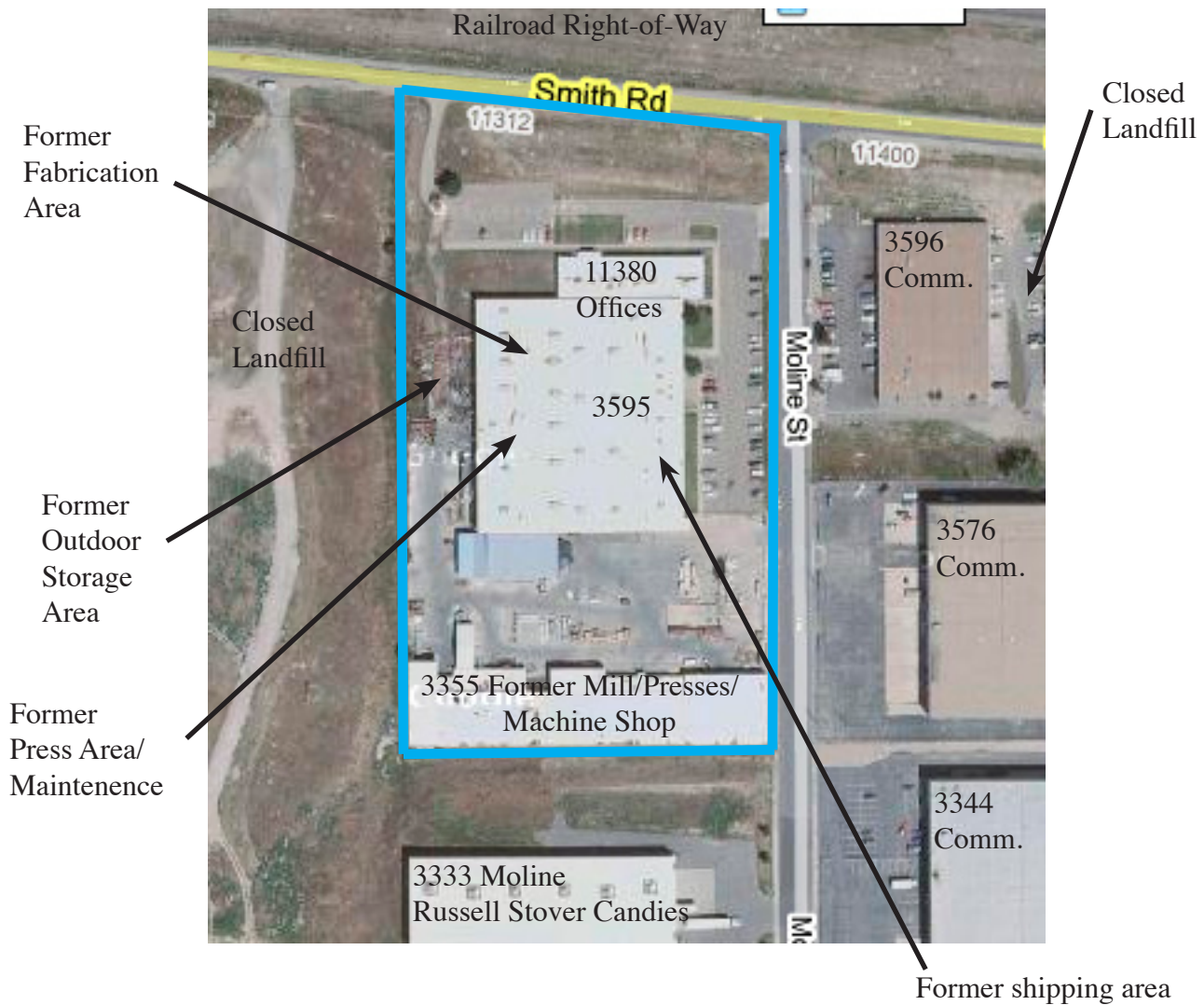
### **16.4 INTERVIEW DOCUMENTATION**

Previous Site Manager Interviews  
User Questionnaire

### **16.5 REGULATORY RECORDS DOCUMENTATION**

Excerpts from report file copies  
EDR Radius Report

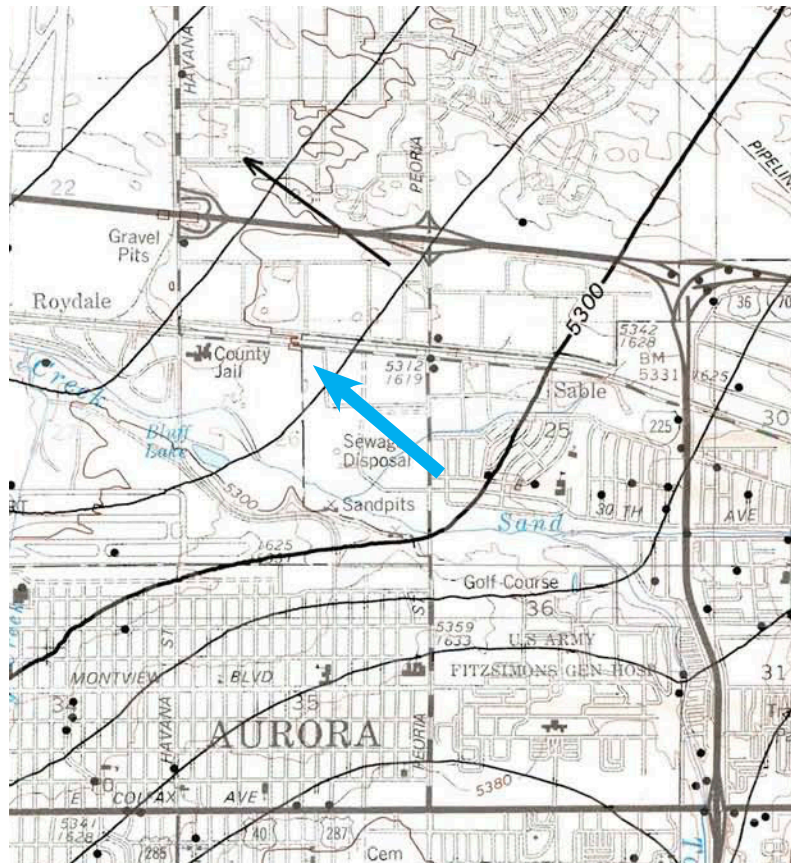
# SITE MAP: 11380 Smith Road



# Groundwater Flow Direction Map

## 11380 Smith Road, Aurora, CO

(Taken from Robson, 1996)





# Adjoining Properties to 11380 Smith Road



East-adjointing commercial building looking southeast from corner of Smith and Moline.



South-adjointing Russell-Stover Candies looking southwest from Moline Street.



North-adjointing railroad right-of-way looking northwest from corner of Smith and Moline.



West-adjointing closed landfill area looking to the southeast.



# Exterior View of 11380 Smith Road



Looking west from Moline along the south side of the south building on the property.



Looking west from Moline along the north side of the south building on the property.



Looking west from Moline along the south side of the north building on the property.



Looking south from Smith Road at the north side of the office area on north building.



Water outflow with oil staining along west border fence.



Former drum storage area on west side of the main building.



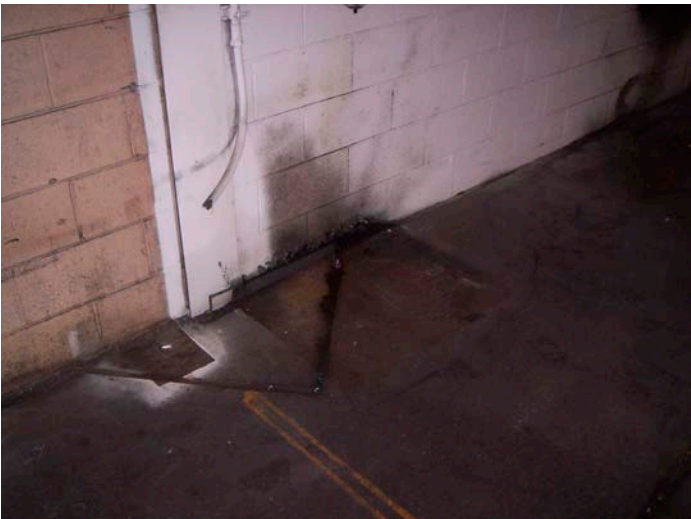
# Interior Views of 11380 Smith Road



Example of exposed pipe insulation.



Storage of household cleaners and a container of cleaner/degreaser.



Metal particles and oil staining in fabrication area.



Oil puddles in fabrication area.



Mercury vapor lights illuminate room with extensive exposed insulation in south building.



Air-compressor and other equipment remain in oil skimmer room.



## More Interior Views of 11380 Smith Road



Oily floor in oil skimmer room of south building.



Utility area with oil staining.



Oil line trenches in press area of main building, backfilled & covered with concrete.



Example of cracked floor with oil staining in oil skimmer room of south building.



Area where the 4,200 ton press extruded magnesium ingots into poles in main building.



Looking through the south building, which was a machine shop and press room.



**11380 Smith Rd**

11380 Smith Rd

Aurora, CO 80010

Inquiry Number: 2595303.5

September 21, 2009

## The EDR Aerial Photo Decade Package

# EDR Aerial Photo Decade Package

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**Date EDR Searched Historical Sources:**

Aerial Photography September 21, 2009

**Target Property:**

11380 Smith Rd

Aurora, CO 80010

<u><i>Year</i></u>	<u><i>Scale</i></u>	<u><i>Details</i></u>	<u><i>Source</i></u>
1963	Aerial Photograph. Scale: 1"=750'	Panel #: 2439104-G7/Flight Date: June 29, 1963	EDR
1977	Aerial Photograph. Scale: 1"=750'	Panel #: 2439104-G7/Flight Date: June 05, 1977	EDR
1984	Aerial Photograph. Scale: 1"=1000'	Panel #: 2439104-G7/Flight Date: October 13, 1984	EDR
1991	Aerial Photograph. Scale: 1"=750'	Panel #: 2439104-G7/Flight Date: June 11, 1991	EDR
1993	Aerial Photograph. Scale: 1"=750'	Panel #: 2439104-G7/Flight Date: June 27, 1993	EDR
2005	Aerial Photograph. 1" = 604'	Flight Year: 2005	EDR





**INQUIRY #:** 2595303.5

**YEAR:** 1963

| = 750'







INQUIRY #: 2595303.5

YEAR: 1977

| = 750'





**INQUIRY #:** 2595303.5

**YEAR:** 1984

| = 1000'







**INQUIRY #:** 2595303.5

**YEAR:** 1991

| = 750'







INQUIRY #: 2595303.5

YEAR: 1993

| = 750'







**INQUIRY #:** 2595303.5

**YEAR:** 2005

| = 604'







**11380 Smith Rd**

11380 Smith Rd

Aurora, CO 80010

Inquiry Number: 2595303.4

September 18, 2009

## The EDR Historical Topographic Map Report

# EDR Historical Topographic Map Report

Environmental Data Resources, Inc.s (EDR) Historical Topographic Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDRs Historical Topographic Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the early 1900s.

***Thank you for your business.***  
Please contact EDR at 1-800-352-0050  
with any questions or comments.

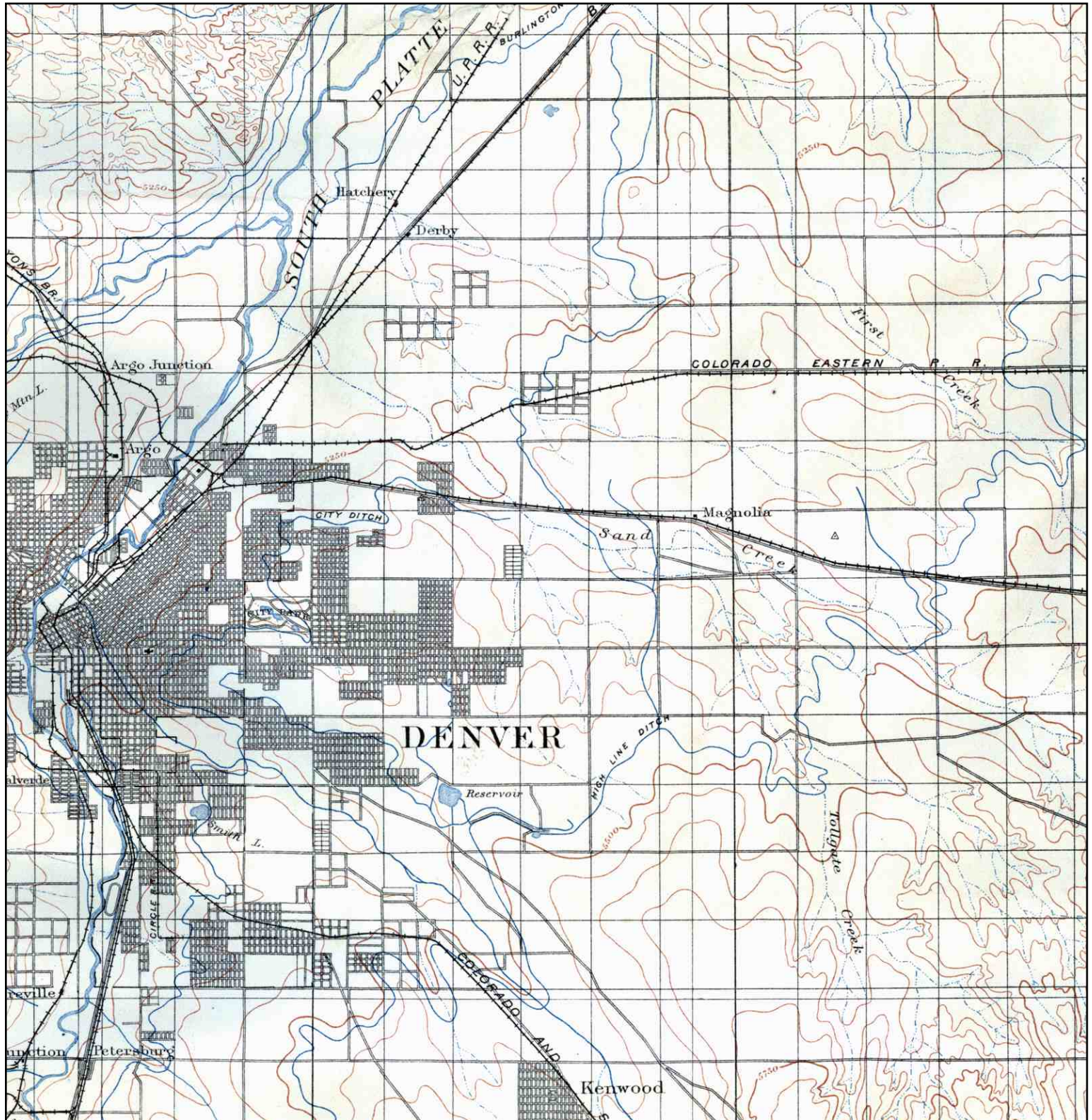
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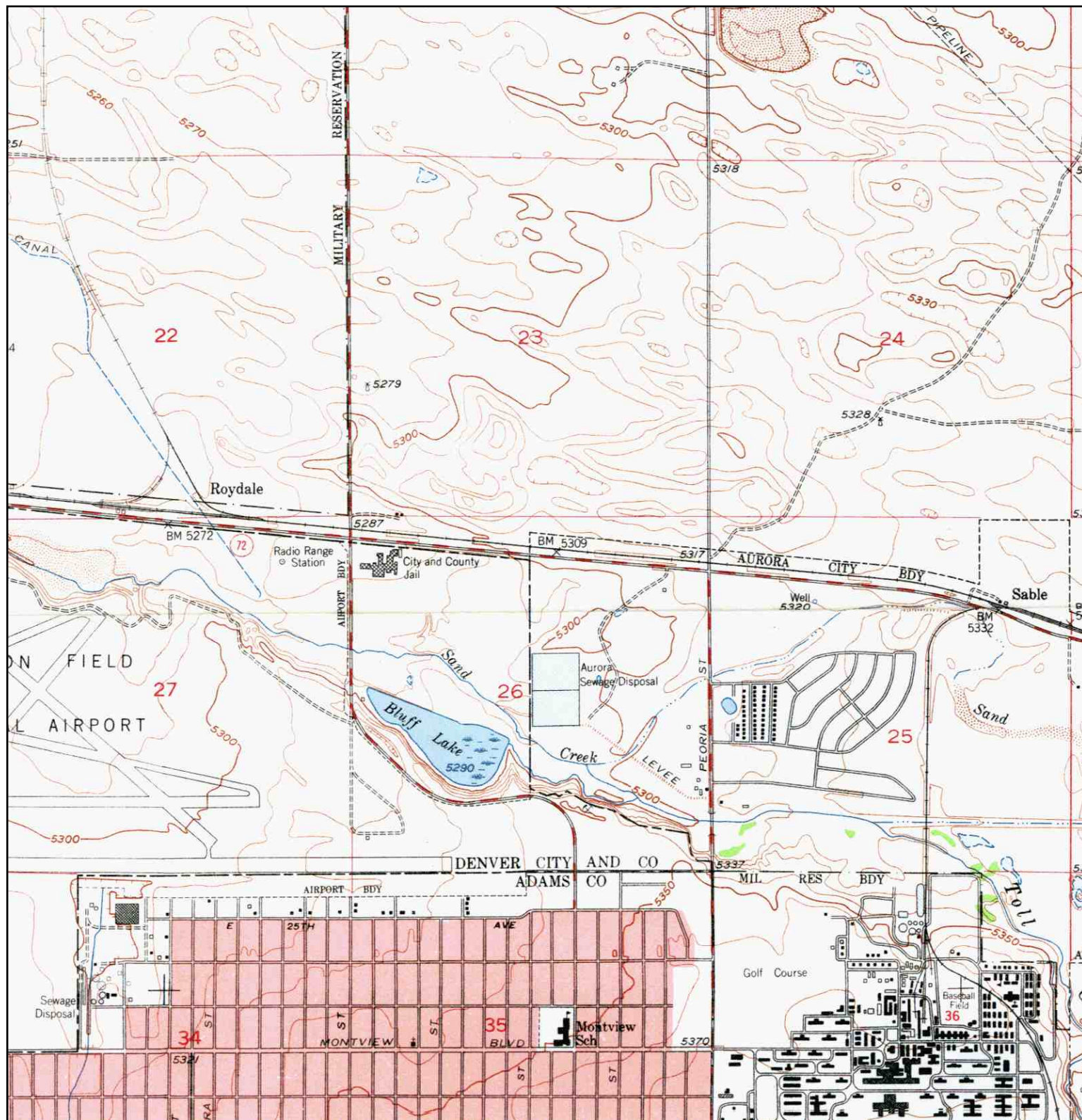
# Historical Topographic Map




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	NAME: DENVER	ADDRESS:	11380 Smith Rd	CONTACT:	Craig Dunning
	MAP YEAR: 1901		Aurora, CO 80010	INQUIRY#:	2595303.4
		LAT/LONG:	39.7669 / 104.855	RESEARCH DATE:	09/18/2009
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	SCALE: 1:125000				



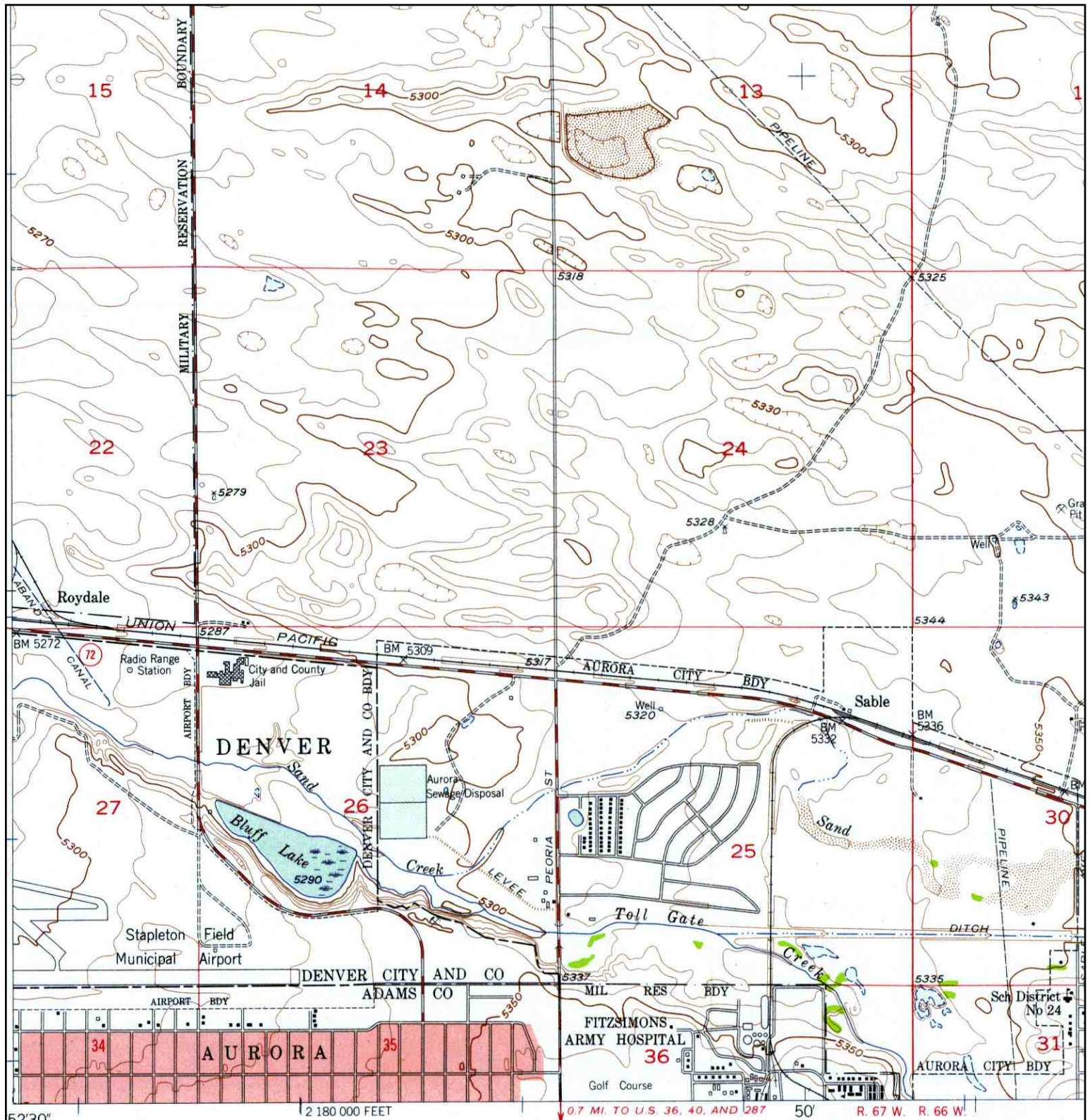
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	NAME: DENVER VICINITY NE	ADDRESS:	11380 Smith Rd	CONTACT:	Craig Dunning
	MAP YEAR: 1957	LAT/LONG:	39.7669 / 104.855	INQUIRY#:	2595303.4
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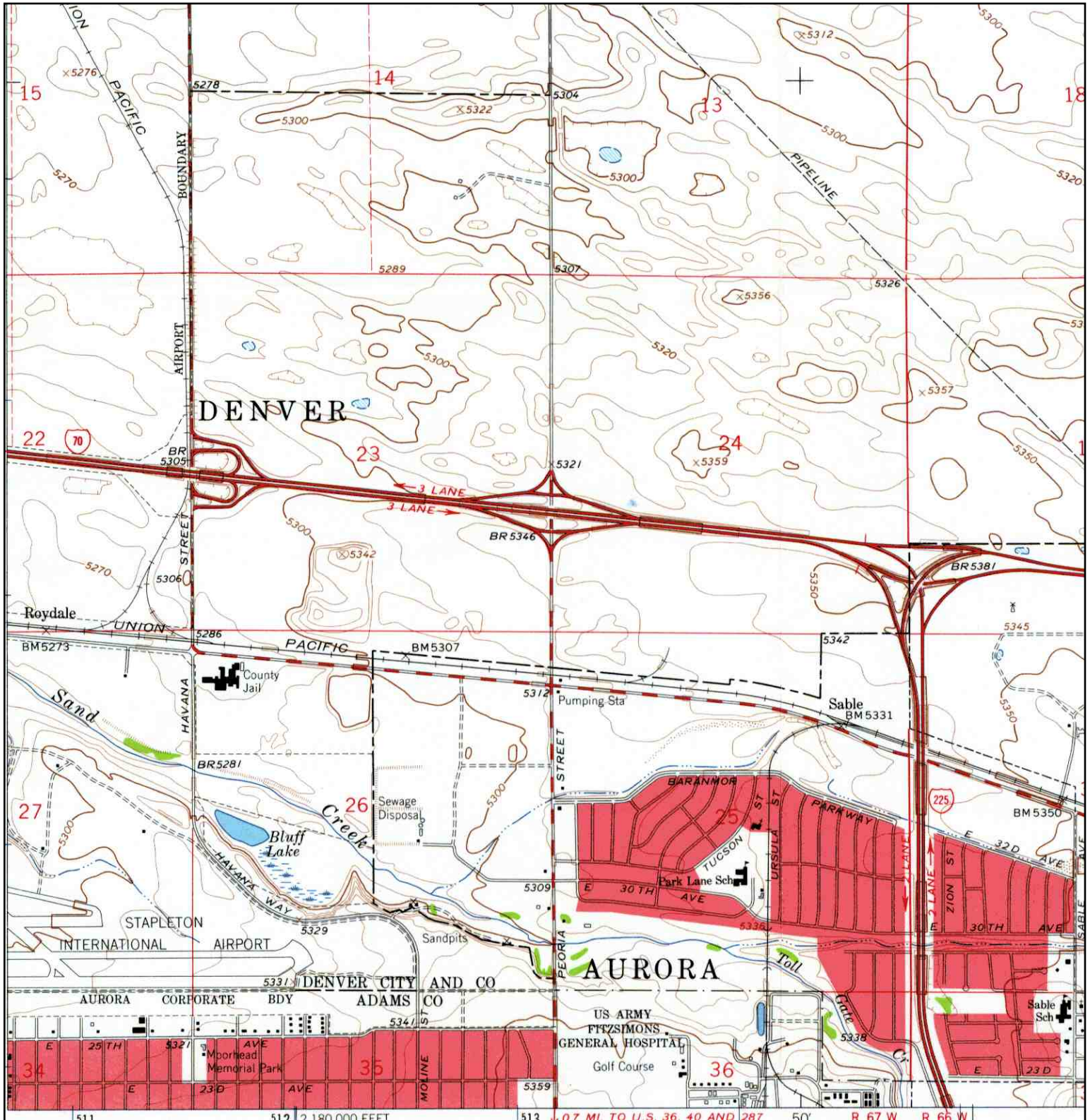
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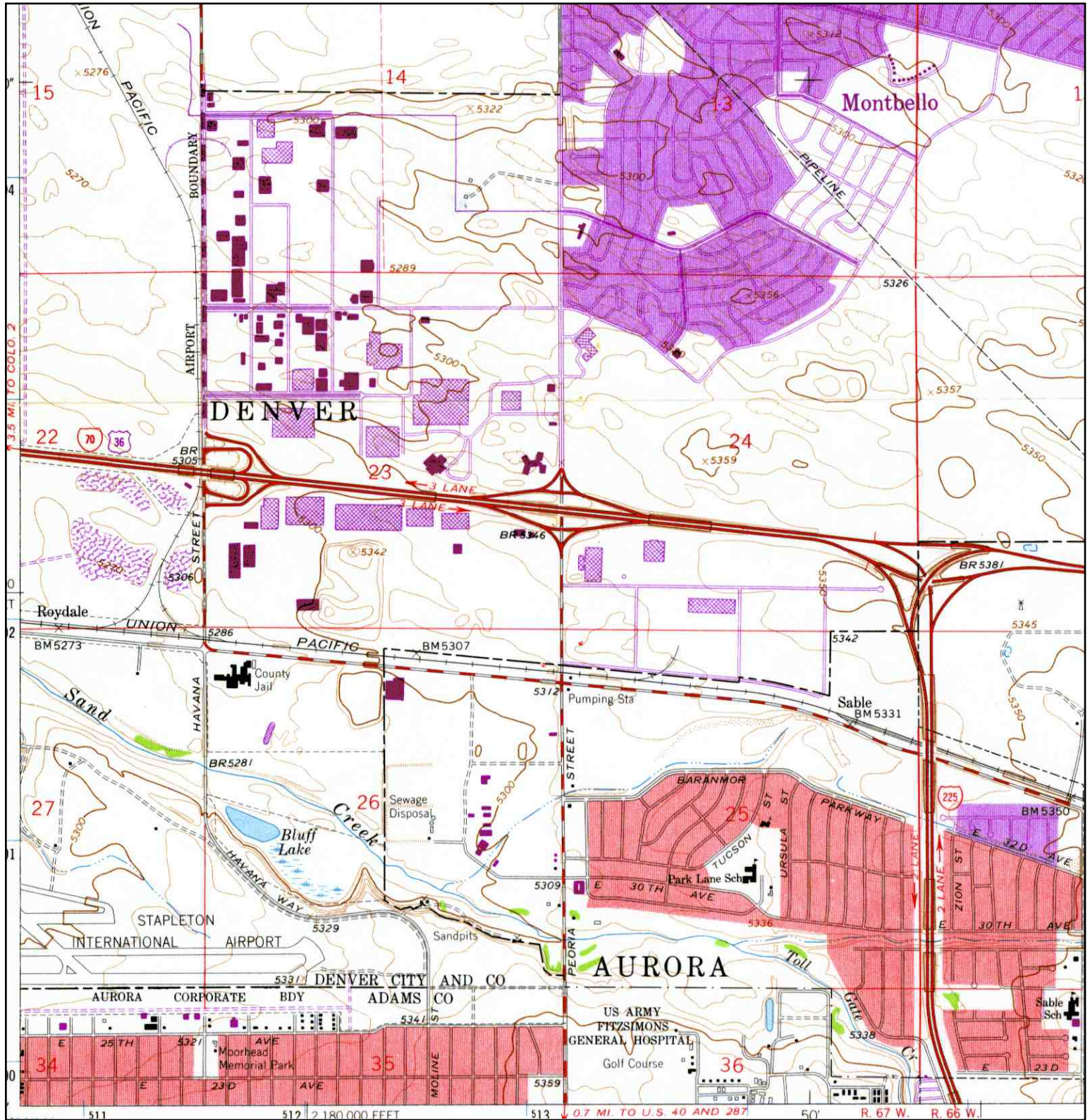
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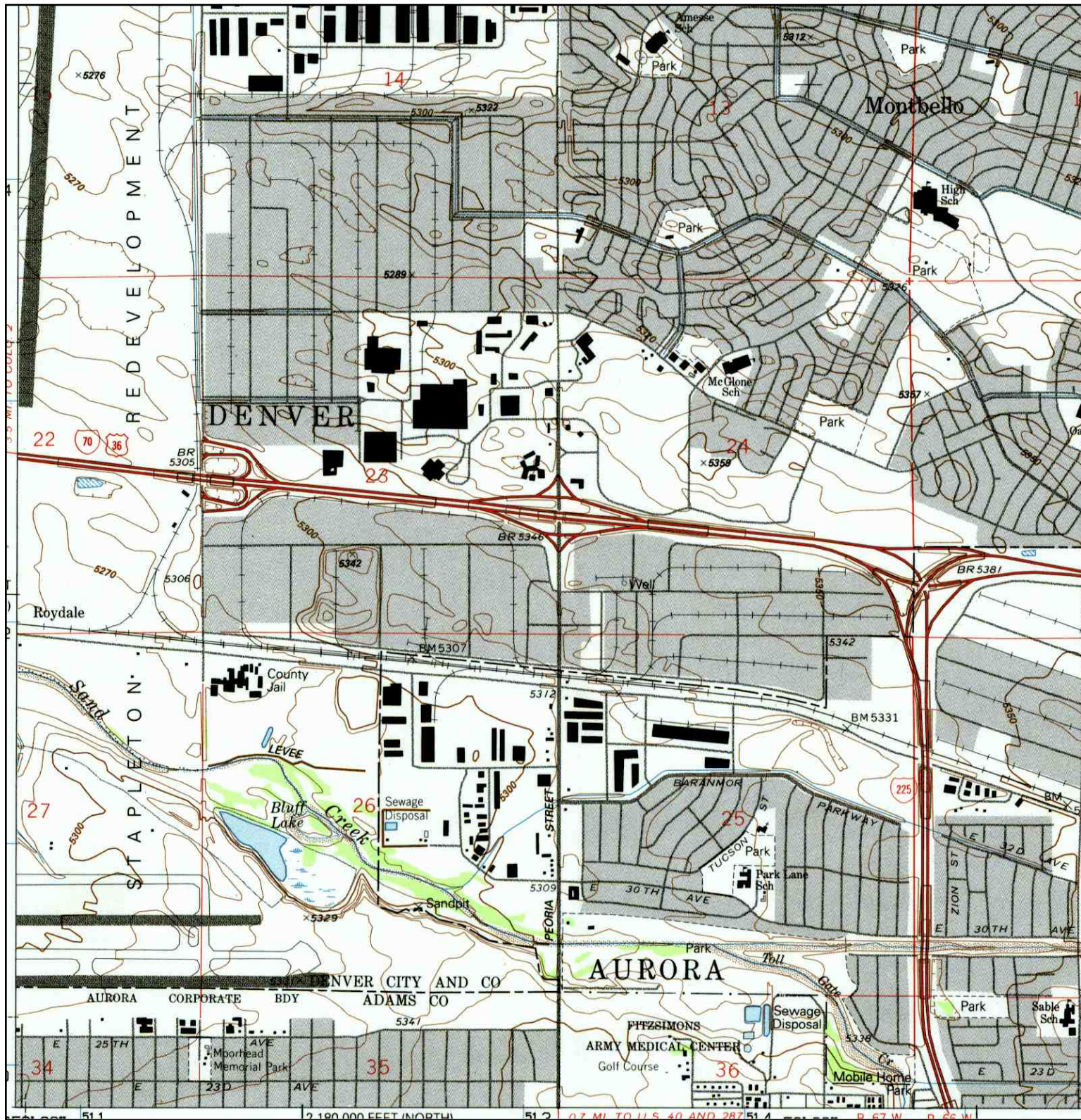
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<p>N ↑</p>	<p>TARGET QUAD NAME: SABLE MAP YEAR: 1971 PHOTOREVISED FROM: 1965 SERIES: 7.5 SCALE: 1:24000</p>	<p>SITE NAME: 11380 Smith Rd ADDRESS: 11380 Smith Rd Aurora, CO 80010 LAT/LONG: 39.7669 / 104.855</p>	<p>CLIENT: Sundance Env. Consultants, Inc. CONTACT: Craig Dunning INQUIRY#: 2595303.4 RESEARCH DATE: 09/18/2009</p>
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## Historical Topographic Map



TARGET QUAD  
NAME: MONTBELLO  
MAP YEAR: 1994  
REVISED FROM:1965  
SERIES: 7.5  
SCALE: 1:24000

SITE NAME: 11380 Smith Rd  
ADDRESS: 11380 Smith Rd  
Aurora, CO 80010  
LAT/LONG: 39.7669 / 104.855

CLIENT: Sundance Env. Consultants, Inc.  
CONTACT: Craig Dunning  
INQUIRY#: 2595303.4  
RESEARCH DATE: 09/18/2009



**Sundance Environmental Consultants, Inc.**  
11584 Wilson Circle, Parker, Colorado 80134  
T: (303) 699-7870 F: (303) 680-3192

## **ASTM E 1527-05 Phase I ESA User Questionnaire**

### **Page 1 of 3**

Instructions to **OWNER** Please complete this form immediately, to the best of your knowledge at this time, and return to Sundance. This information is very important for Sundance to complete a high-quality Phase I in a timely and cost-effective manner. Most of this information is specifically required to be provided by the user, according to the ASTM E 1527-05 Standard Practice for a Phase I Environmental Site Assessment.

Site/Property Address: **11380 Smith Road / 3555 Moline Street, Aurora CO 80010**

**Owner** Name (often a company): **Aurora Smith Road Ventures, LLC**

**Owner** Contact Name: **David B. Goodell**

**Owner** Address (for mailing completed report): **P. O. Box 609 Del Mar, CA 92014**

Contact Phone: **858 481-2626 ext 104** Fax: **858 481-9920** Cell: **619 823-7788**

Name of person completing questionnaire / date: **David Goodell 9/18/09**

Names / contact information for knowledgeable persons regarding the property?  
(like previous owner, current owner, property manager, current occupants)

**Tenant: Timminco**

**Controller: Magnesium Division - Tel: 303 261 2036**

**Michael Still**

**Still, Michael**

**E-mail Address(es):**

**MStill@timminco.com**

**Plant Manager: Jim Baker Baker, Jim**

**E-mail Address(es):**

**JBaker@Timminco.com**

Is a site map or property survey available? **YES**

Are any environmental reports available, such as a previous Phase I or site assessment reports?

**YES**

If these items are available, please name and provide. Previous Phase I (**ALREADY PROVIDED**)

What is the reason that the user is performing this Phase I? **Tenant left the property and owner needs to make sure there are no environmental problems.**

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What is the anticipated use of property by the user/new owner? **No idea – we are in the process of trying to release the property.**

Will any remodeling, demolition, or soil excavation be required for future property use? **Don't know**

The user may want to consider evaluating several items in connection to commercial real estate which are beyond the scope of an ASTM E 1527-05 Phase I, including but not limited to: asbestos-containing building materials, radon, lead-based paint, lead in drinking water, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, biological agents, and mold. Sundance can subcontract others for the performance of this work, if desired.

The user should be aware that review of recorded land title records and judicial records for environmental liens or activity and use limitations is outside the scope of an ASTM Phase I. The user should engage a title company or title professional to undertake these reviews, or have Sundance subcontract this work. Are any title records available that you would like Sundance to review?

1. Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law? **No**

2. Are you aware of any activity and land use limitations (AULs), such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law? **No**

3. As the OWNER of this ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business? **NO**

4. Does the purchase price being paid for this property reasonably reflect the fair market value of the property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property? **NA**

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5. Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened releases? For example, as **OWNER:**

a) Do you know the past uses of the property? **YES**

b) Do you know of specific chemicals that are present or once were present at the property? **Oil and Hydraulic fluid.**

c) Do you know of spills or other chemical releases that have taken place on the property? **Seems to be quite a bit of accumulated oil and hydraulic fluid in some areas.**

d) Do you know of any environmental cleanups that have taken place at the property? **No**

6. As the OWNER of this ESA, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the property? **SEE 5c**

**Completed form may be faxed back to Sundance at fax (303) 680-3192.**



## **Telephone Conversation Record**

Date: September 21, 2009

From: Robin Fryberger, Sundance Environmental

To: Jim Baker, Maintenance Lead, Timminco Smith Road Facility

Re: Interview Regarding Maintenance at Facility for Phase I

Jim Baker worked at the facility for 16 years. The facility operated here for about 40 years in all. He is knowledgeable of the manufacturing processes and materials storage. He is now associated with the new facility in Mexico.

Primary oil usage was hydraulic oil (100 wt, 68 wt) for the presses. Oil storage tanks existed near the 4200 ton press, and in oil skimmer/oil storage room by the 1800 ton press. Other fabrication equipment used hydraulic oil in smaller vessels; no cutting oils were needed or used to cut the magnesium. Main hydraulic lines were in trenches, and the 4200 ton press was in a pit. The bottom of the pit is about 5 ft thick reinforced concrete. If there was a significant leak, the oil could accumulate in the pit prior to being vacuumed up. The pits and trenches were filled with concrete when the shop was shut down. The “black staining” on the floor is not from magnesium or oil, but is worn areas of the “master plate” industrial floor, which has metal and glass in the concrete mix for durability.

Solvents like “tri-chloride” were used to clean the oils from the equipment by spraying it on with a hand sprayer and wiping off. Some years ago the solvent used was changed to a “green” cleaner. Solvents were used in the maintenance shop, and the lab room. Jim Baker is not aware of what the former activities were in the Otis Elevator sublet area.

Oil and solvents storage, other than in the oil ASTs, occurred in drums inside the oil skimmer room. Only empty drums were stored outside, on their sides. Some spillage is known to have occurred in the oil skimmer room. No outdoor oil spillage is reported. Liquids disposal was through Safety Clean and Clean Harbors.

The areas where Jim Baker would have a higher expectation of spillage to be detected are primarily in the oil skimmer room and by the 1800 ton press, and to a lesser extent beneath the 4200 ton press pit. The 1800 ton press was installed first, and did not have the high degree of containment that the 4200 ton press had. When asked about outdoor metallic materials storage practices, Mr. Baker indicated that care was taken not to allow magnesium metal fines to get into the waterways, because magnesium can be toxic to fish in Sand Creek.

# SUNDANCE ENVIRONMENTAL CONSULTANTS, INC.

## INTERVIEW FORM

Location of Property: 11380 Smith Road, Aurora, CO 80010

Date of Interview: 9/29/09

Interviewer: Robin Fryberger

Name of Subject: Dan Hartman-Director of Environmental health and Safety, Security and Quality, with Rob Assal-Legal Counsel

Relationship to Property: Employee since 1998 when Timminco came to property, have been EH&S Director for 2 years

Phone: 303 367 0960 x 215

### Introductory Questions

How long have you owned this property? Timminco has leased since 1998

When were the on-site buildings constructed? Unknown

Do you know who the previous owners or occupants were? Dow operated a plant as a magnesium extrusion and fabrication facility

Is there a key site manager? Myself, also Ken Anderson, Charlie Yarborough, Michael Still

Are site plans available? Plans left in conference room

Do you have any reason to suspect that environmental conditions exist on the site? None that I know of

### Administrative Proceedings

Do you know of any pending, threatened or past litigation or administrative proceedings against the property? NO Do you know of anything relevant to hazardous substance or petroleum products on the property? NO – we are not currently on property

Do you know of any notices from any governmental entity concerning environmental liens against the property? NO Do you know of any notices concerning hazardous substances or petroleum products or other possible liability? NO

### Helpful Documents

Are any of these documents available?

Environmental Site Assessments URS 1999, Walsh 2009, Freedom Phase I 2006, will provide Walsh 2009 data sheets

Hydrogeologic Condition Reports Not that I know of

Surrounding Area Reports Not that I know of

Environmental Audit Reports Yes – SQG Audit by CDPHE 2/20/08 – will provide

Environmental Permits Yes, had stormwater permit

Solid Waste Disposal Permits Not that I know of

Hazardous Waste Disposal Permits Yes, manifests

Wastewater Permits Not that I know of

NPDES Permits NO; may have stormwater management plans

Storage Tank Registrations (UST, AST) Not that I know of

Material Safety Data Sheets (MSDS) Yes, esp for Mg and other elements in alloys

Community Right-To-Know Plans Not sure

Safety Plans Yes, plant safety rules, lock-out tag-out, storm/fire

Hazardous Waste Generator Notices, Reports, Permits Yes, manifests

Geotechnical Reports Not that I know of

### Environmental Conditions

Has the property or any adjoining property had an industrial use? Yes, magnesium extrusion and fabrication plant; surrounding properties include empty bldgs and prison

Property or adjoining property been used for: Gas Station, Motor Repair, Commercial Printing, Dry Cleaners, Photo Lab, Junkyard, Landfill on prison property, or Waste Treatment – Not that I know of for group of questions

Any industrial 55-gallon drums or sacks of chemicals? Used 55-gal drums for fresh and used oil, used 30-40 gal drums for hydrochloric acid

Any fill dirt brought in? Yes, to fill 4200 ton press pit

Any pits, ponds or lagoons for waste treatment or disposal? Not that I know of

Any stained soil? Not that I know of

Any storage tanks above or underground? Not that I know of

Any vent pipes or other pipes coming out of the ground or a building? Not that I know of

Any staining in buildings other than from water? Yes, from oil

Any foul odors? Not that I know of

Any wells on-site, and if so any contaminants identified? Wells were installed by URS and Walsh that are now abandoned, see reports

Other:

Any documentation of PCB oil testing or changeouts for transformers? Not sure

Any separators? Yes, by the 1800 ton press

Any info on activities in the Otis Elevator sublet area? Not that I know of

Any solvents used? NO, company uses orange solvents that are environmentally friendly

What places would contamination most likely be detected if present? By the former presses, see the test locations in the previous reports

Action Items:

Sundance to provide copy of completed interview form

Rob Assal to provide 2/20/08 SQG audit info and Walsh 2009 data sheets

## **Telephone Conversation Record**

Date: October 5, 2009

From: Robin Fryberger, Sundance Environmental

To: Michael Still, Comptroller for Timminco Smith Road Facility

Re: Questions Regarding Timminco Facility for Phase I

Michael Still was contacted as a knowledgeable person regarding the Timminco facility on Smith Road, as suggested by Mr. David Goodell. Mr. Still has worked at the facility since 2006 as the comptroller. Michael Still does not consider himself a key site manager for Phase I questionnaire purposes. He indicates that Dan Hartman and Jim Baker would have the most knowledge of plant production floor activities. He is not aware of anyone more knowledgeable regarding the Otis Elevator sublet activities.

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.      Laboratory Services Division  
Denver, Colorado 80246-1530      8100 Lowry Blvd.  
Phone (303) 692-2000      Denver, Colorado 80230-6928  
TDD Line (303) 691-7700      (303) 692-3090  
Located in Glendale, Colorado  
<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

February 27, 2008

Mr. Daniel Hartman, Environmental Health and Safety Manager  
Timminco Corporation  
3595 Moline Street  
Aurora, CO 80010

**Subject:      Inspection Report for the February 20, 2008 Compliance Inspection  
EPA Identification Number COD030446637**

Dear Mr. Hartman:

On February 20, 2008 an inspector from the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the Division) conducted a compliance inspection at Timminco Corporation. Based upon observations made at the time of the inspection, it appears that although your facility was operating as a Conditionally Exempt Small Quantity Generator on the day of the inspection, the facility is an episodic Small Quantity Generator and is operating in compliance with the requirements applicable to a Small Quantity Generator of hazardous waste. Therefore, the Division is hereby closing the referenced compliance inspection and does not intend to take any action on this matter at this time.

For your information, I have attached a copy of the inspector checklist, which serves as the report for the above referenced inspection. Please contact me at (303) 692-3429 if you have any questions regarding this matter.

Sincerely,

Beth Ann Williams  
Hazardous Waste Compliance Unit

copies to:  
Case File # COD030446637  
Randy Lamdin, EPA



# SMALL QUANTITY GENERATOR (SQG) INSPECTOR SELF-CERTIFICATION CHECKLIST

Company Name: Timminco Corp EPA ID#: COD030446637

Company Street Address: 3595 Moline Street

City: Aurora State: CO Zip: 80010

Company Contact: Dan Hartman Telephone: 303-343-8667 ext: 215

Business Owner: Timminco Corp Owner Telephone: 303-343-8667

Primary Products or Services: Magnesium extruded and fabricated products

Number of Employees: 70 Hours of Operation: 7-4: M-F Years at This Location: 30+

Today's Date: 02/20/08 Inspection Type: Random ☒ Non-Responder ☐ Other ☐

## INSTRUCTIONS FOR SECTION A

- Mark YES if you are in compliance
- Mark NO if you are out of compliance. If you answer NO, write in the DATE FIXED indicating the date that you corrected or will correct the violation.
- If the question is not applicable write "N/A"

A.	General <i>Checklist Guidance Document pages 1 → 6 and Appendix A and Appendix B</i>	YES	NO	DATE FIXED or N/A
1.	Has your facility determined what wastes generated at your facility are hazardous wastes and which wastes are not hazardous wastes? 6 CCR 1007-3, section 262.11	<input checked="" type="radio"/>	<input type="radio"/>	
2.	Does the physical address at your facility match the address associated with your EPA Identification Number? 6 CCR 1007-3, Part 99 and section 262.12	<input checked="" type="radio"/>	<input type="radio"/>	
3.	Does your facility generate used oil? Used oil is not counted as a hazardous waste but is regulated. (If you answer "No," it is not a violation.) 6 CCR 1007-3, Part 279	<input checked="" type="radio"/>	<input type="radio"/>	N/A
4.	Does your facility generate less than 2200 pounds of hazardous waste and/or less than 2.2 pounds of acutely hazardous waste in every calendar month of the year? 6 CCR 1007-3, section 262.34(d)	<input checked="" type="radio"/>	<input type="radio"/>	
5.	Does your facility have less than about thirty 55-gallon drums (or less than 13,200 pounds) on site at any one time? 6 CCR 1007-3, section 262.34(d)(1)	<input checked="" type="radio"/>	<input type="radio"/>	
6.	Does your facility use a transporter that is authorized to transport hazardous waste? 6 CCR 1007-3, section 262.12(c)	<input checked="" type="radio"/>	<input type="radio"/>	
7.	Does your facility dispose of all hazardous waste through a permitted treatment, storage and disposal facility? This would include such wastes as spent solvent, water treatment sludge, etc. 6 CCR 1007-3, section 100.10 If not, please explain: _____ _____	<input checked="" type="radio"/>	<input type="radio"/>	

**SMALL QUANTITY GENERATOR (SQG)  
INSPECTOR SELF-CERTIFICATION CHECKLIST**

<b>A.</b>	<b>General</b> <i>Checklist Guidance Document pages 1 → 6 and Appendix A and Appendix B</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
8.	Does your facility ensure that no hazardous waste is disposed of on the ground, sanitary sewer, storm drains, bodies of water, or trash? 6 CCR 1007-3, section 100.10	<input checked="" type="radio"/>	<input type="radio"/>	
9.	Does your facility use any hazardous waste tanks? If so, please refer to the <u>Guide to the Colorado Hazardous Waste Regulations</u> , page 30. (If you answer "No," it is not a violation.) 6 CCR 1007-3, section 265.201 and Subpart J of 265	<input type="radio"/>	<input checked="" type="radio"/>	N/A
10.	Does your facility perform any evaporation, compaction, or any other on-site treatment of hazardous waste? (If you answer "No," it is not a violation.) 6 CCR 1007-3, sections 260.10 and 110.10	<input type="radio"/>	<input checked="" type="radio"/>	N/A

**INSTRUCTIONS FOR SECTION B**

List all hazardous waste generated at your facility in the space provided below. Also indicate if your waste is a universal waste and/or if it is recycled, what waste codes apply, if any, and how much you generate each month. Be sure to write in the quantity of waste and **specify whether the quantity is in gallons or pounds.**

<b>B.</b>	<b>Waste Stream Description</b> <i>For more information go to the Checklist Guidance Document page 7 and Appendix A for waste codes</i>	<b>Recycled and/or Universal Waste?</b>		<b>Hazardous Waste Code(s) (if applicable).</b>	<b>Approximate Amount Generated Each Month</b>
		<b>Yes</b>	<b>No</b>		
1.	Tetrachloroethylene	<input type="radio"/>	<input checked="" type="radio"/>	D001/F002	20 pounds
2.	Nitric Acid/ Acidic Acid	<input type="radio"/>	<input checked="" type="radio"/>	D002	20 pounds
3.	Chromic Acid	<input type="radio"/>	<input checked="" type="radio"/>	D002	10 pounds
4.	Hydrochloric Acid	<input type="radio"/>	<input checked="" type="radio"/>	D002	170 pounds
5.		<input type="radio"/>	<input type="radio"/>		
6.		<input type="radio"/>	<input type="radio"/>		
7.		<input type="radio"/>	<input type="radio"/>		
8.		<input type="radio"/>	<input type="radio"/>		
9.		<input type="radio"/>	<input type="radio"/>		
10.		<input type="radio"/>	<input type="radio"/>		
11.		<input type="radio"/>	<input type="radio"/>		
12.		<input type="radio"/>	<input type="radio"/>		
13.		<input type="radio"/>	<input type="radio"/>		
14.		<input type="radio"/>	<input type="radio"/>		
15.		<input type="radio"/>	<input type="radio"/>		

# **SMALL QUANTITY GENERATOR (SQG) INSPECTOR SELF-CERTIFICATION CHECKLIST**

## **INSTRUCTIONS FOR SECTIONS C-L**

- Mark **YES** if you are in compliance
- Mark **NO** if you are out of compliance. If you answer **NO**, write in the **DATE FIXED** indicating the date that you corrected or will correct the violation.
- If the question is not applicable write "N/A"

<b>C.</b>	<b>Used Oil Management</b> <i>Checklist Guidance Document page 8</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	Are containers of used oil marked with the words "Used oil"? 6 CCR 1007-3, section 279.22	<input type="radio"/>	<input checked="" type="radio"/>	2/20/08
2.	Are all used oil spills and releases cleaned up immediately and properly managed? 6 CCR 1007-3, section 279.22	<input checked="" type="radio"/>	<input type="radio"/>	
3.	Has your facility taken measures to prevent the release of used oil to the environment? 6 CCR 1007-3, section 279.22	<input checked="" type="radio"/>	<input type="radio"/>	
4.	Are all containers used to store used oil outside kept closed except when adding or removing waste? 6 CCR 1007-3, section 279.22	<input type="radio"/>	<input type="radio"/>	N/A

<b>D.</b>	<b>Hazardous Waste Container Management – 180-day (or 270-day) Area</b> <i>Checklist Guidance Document pages 9→ 10</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	Are all containers used to store hazardous waste labeled with the words "Hazardous Waste"? 6 CCR 1007-3, sections 262.34(a)(3) and 262.34(d)(4)	<input checked="" type="radio"/>	<input type="radio"/>	
2.	Are containers that are used to store hazardous waste labeled with the date when the first drop of hazardous waste is added to the container <u>or</u> the date when the satellite accumulation area container becomes full? 6 CCR 1007-3, sections 262.34(a)(2) and 262.34(d)(4)	<input checked="" type="radio"/>	<input type="radio"/>	
3.	Are all containers used to store hazardous waste in good condition (not rusted, dented, bulging or leaking)? 6 CCR 1007-3, sections 262.34(d)(2) and 265.171	<input checked="" type="radio"/>	<input type="radio"/>	
4.	Are all containers used to store hazardous waste kept closed except when adding or removing waste? 6 CCR 1007-3, sections 262.34(d)(2) and 265.173(a)	<input checked="" type="radio"/>	<input type="radio"/>	
5.	Are all containers used to store hazardous waste inspected at least weekly looking for containers in poor condition and leaks? 6 CCR 1007-3, sections 262.34(d)(2) and 265.174	<input checked="" type="radio"/>	<input type="radio"/>	
6.	Have you determined what wastes can be stored together? (Are incompatible wastes segregated from each other? Are acids and bases stored separately?) 6 CCR 1007-3, sections 262.34(d)(2) and 265.177(c)	<input checked="" type="radio"/>	<input type="radio"/>	
7.	Are containers shipped to an appropriate treatment, storage, and disposal facility (TSD) within 180 days (or 270 days if the TSD is more than 200 miles away)? 6 CCR 1007-3, sections 262.34(d) and 262.34(e)	<input checked="" type="radio"/>	<input type="radio"/>	

**SMALL QUANTITY GENERATOR (SQG)  
INSPECTOR SELF-CERTIFICATION CHECKLIST**

<b>E.</b>	<b>Hazardous Waste Container Management – Satellite Accumulation Areas</b> <i>Checklist Guidance Document pages 11 → 12</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	Do you have satellite accumulation area containers at your facility? (If you answer “No,” it is not a violation.)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
2.	Are all containers in satellite accumulation areas properly labeled with the words “Hazardous Waste” or other words that describe the contents of the containers? 6 CCR 1007-3, section 262.34(g)(1)	<input type="radio"/>	<input type="radio"/>	N/A
3.	Are all containers in a satellite accumulation area managed to meet the requirements of D.3 through D.6, above? 6 CCR 1007-3, section 262.34(g)(1)	<input type="radio"/>	<input type="radio"/>	N/A
4.	Are all containers in a satellite accumulation area moved to the 180-day area when they are full or when 55 gallons has been accumulated? 6 CCR 1007-3, section 262.34(g)(2)	<input type="radio"/>	<input type="radio"/>	N/A

<b>F.</b>	<b>Off-Site Shipment of Hazardous Waste</b> <i>Checklist Guidance Document pages 13 → 15</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	Does your facility have a reclamation agreement with a hazardous waste recycling facility such as Safety-Kleen or Clean Parts? (If you answer “No,” it is not a violation.) 6 CCR 1007-3, section 262.20(e)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
2.	Are off-site shipments of hazardous wastes that are not covered by a reclamation agreement accompanied with a hazardous waste manifest? 6 CCR 1007-3, section 262.20	<input checked="" type="radio"/>	<input type="radio"/>	
3.	Are all hazardous waste manifests routinely completed accurately and completely? 6 CCR 1007-3, section 262.20	<input type="radio"/>	<input checked="" type="radio"/>	2/20/08
4.	Are all hazardous waste manifests retained for 3 years? 6 CCR 1007-3, sections 262.40(a) and 262.44(a)	<input checked="" type="radio"/>	<input type="radio"/>	
5.	Has land disposal restriction (LDR) documentation been completed for each waste stream and for each treatment and storage facility? 6 CCR 1007-3, Part 268 Subpart D	<input checked="" type="radio"/>	<input type="radio"/>	
6.	Are all land disposal restriction documents retained on-site for three years? 6 CCR 1007-3, Part 268.7(a)(8)	<input checked="" type="radio"/>	<input type="radio"/>	
7.	Are signed hazardous waste manifests from the treatment, storage, disposal facilities received within 60 days of waste shipment? 6 CCR 1007-3, sections 262.42(c) and 262.44(b)	<input checked="" type="radio"/>	<input type="radio"/>	
8.	If manifests were not received within 60 days, was the Hazardous Materials and Waste Management Division notified? 6 CCR 1007-3, sections 262.42(c) and 262.44(b)	<input checked="" type="radio"/>	<input type="radio"/>	

**SMALL QUANTITY GENERATOR (SQG)  
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<b>G.</b>	<b>Hazardous Waste Training and Emergency Response</b> <i>Checklist Guidance Document pages 16 → 18</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	Are all personnel involved with hazardous waste management trained so that they are thoroughly familiar with proper hazardous waste handling and emergency response procedures? 6 CCR 1007-3, section 262.34(d)(5)(iii)	<input checked="" type="radio"/>	<input type="radio"/>	
2.	Has an emergency coordinator been established for the facility and is he/she familiar with his/her responsibilities in that position? 6 CCR 1007-3, section 262.34(d)(5)(i)	<input checked="" type="radio"/>	<input type="radio"/>	
3.	Has emergency response information been posted by the telephone? 6 CCR 1007-3, section 262.34(d)(5)(ii)	<input checked="" type="radio"/>	<input type="radio"/>	
4.	Have you determined what emergency equipment is appropriate for your facility? 6 CCR 1007-3, sections 262.34(d)(4) and 265.32	<input checked="" type="radio"/>	<input type="radio"/>	
5.	Is adequate aisle space provided around the containers of hazardous waste to allow for unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment? 6 CCR 1007-3, sections 262.34(d)(4) and 265.35	<input checked="" type="radio"/>	<input type="radio"/>	
6.	Have emergency response arrangements been made with the local response organizations (fire department and hospitals) that are likely to respond in an emergency situation? 6 CCR 1007-3, sections 262.34(d)(4) and 265.37	<input checked="" type="radio"/>	<input type="radio"/>	
7.	Is the facility operated in a manner that minimizes the potential for releases of hazardous waste? 6 CCR 1007-3, sections 262.34(d)(4) and 265.31(a)	<input checked="" type="radio"/>	<input type="radio"/>	
8.	What fire protection district is the facility in?  Write the Name in here: <u>Aurora Fire Department</u>			

<b>H.</b>	<b>On-Site Hazardous Waste Treatment Land Disposal Restriction Treatment</b> <i>Checklist Guidance Document pages 19 → 20</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	Do you know what land disposal restriction treatment standards are? (If you answer "No," it is not a violation.) 6 CCR 1007-3, section 268.7(a)(5)	<input checked="" type="radio"/>	<input type="radio"/>	N/A
2.	Is your facility treating hazardous waste on site to make it more suitable for recycling or reclamation or to reduce its volume or toxicity? (If you answer "No," it is not a violation.) 6 CCR 1007-3, section 260.10	<input type="radio"/>	<input checked="" type="radio"/>	N/A
3.	Is your facility treating hazardous waste in tanks, or containers, or in a containment building? (If you answer "No," it is not a violation.) 6 CCR 1007-3, section 268.7(a)(5)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
4.	Is your facility treating any hazardous waste to meet a land disposal restriction treatment standard? (If you answer "No," it is not a violation.) 6 CCR 1007-3, section 268.7(a)(5)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
5.	If you are treating hazardous waste to meet land disposal restriction standards, do you have a written waste analysis plan on site? 6 CCR 1007-3, section 268.7(a)(5)	<input type="radio"/>	<input checked="" type="radio"/>	

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<b>I.</b>	<b>On-Site Hazardous Waste Treatment Permit Requirements and Exclusions</b> <i>Checklist Guidance Document pages 21</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	Is your facility treating hazardous waste under the Permit By Rule provisions of the Colorado Hazardous Waste Regulations? (If you answer "No," it is not a violation.) 6 CCR 1007-3, section 100.21(d)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
2.	Is your facility treating a reactive hazardous waste? (If you answer "No," it is not a violation.) 6 CCR 1007-3, section 100.21(d)(6)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
3.	Is your facility heating hazardous waste to treat it? (If you answer "No," it is not a violation.) 6 CCR 1007-3, section 100.21(d)(5)	<input type="radio"/>	<input checked="" type="radio"/>	N/A

<b>J.</b>	<b>On-Site Hazardous Waste Treatment Waste Water Treatment</b> <i>Checklist Guidance Document pages 22</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	Does your facility treat any hazardous waste in a Waste Water Treatment Unit? (If you answer "No," it is not a violation.) 6 CCR 1007-3, sections 260.10 and 100.10(a)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
2.	If you are treating hazardous waste in a Waste Water Treatment Unit, have you obtained a discharge permit or a zero-discharge permit? 6 CCR 1007-3, sections 260.10 and 100.10(a)	<input type="radio"/>	<input type="radio"/>	N/A
3.	Does the Waste Water Treatment Unit meet the definition of a tank or tank system? 6 CCR 1007-3, sections 260.10 and 100.10(a)	<input type="radio"/>	<input type="radio"/>	N/A

<b>K.</b>	<b>Air Pollution Control</b> <i>Checklist Guidance Document page 23</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	Has your facility filed for an Air Pollution Emissions Notice (APEN) or been issued an air permit? (If you answer "No," it is not a violation.)	<input checked="" type="radio"/>	<input type="radio"/>	N/A

<b>L.</b>	<b>Pollution Prevention</b> <i>Checklist Guidance Document page 23</i>	<b>YES</b>	<b>NO</b>	<b>DATE FIXED or N/A</b>
1.	In the last 12 months, has your facility taken one or more actions to reduce toxics, conserve water, or energy? (If you answer "No," it is not a violation.)  Write in the projects you have implemented _____ _____ _____ _____ _____	<input type="radio"/>	<input checked="" type="radio"/>	N/A



**SMALL QUANTITY GENERATOR (SQG)  
INSPECTOR SELF-CERTIFICATION CHECKLIST**

**Inspector Comments:**

February 20, 2008  
Facility Name: Timminco Corp  
EPA ID NO: COD030446637  
Inspectors: Beth Ann Williams  
HW Transporter: Clean Harbors  
HW TSD: Clean Harbors, Kimball, Nebraska

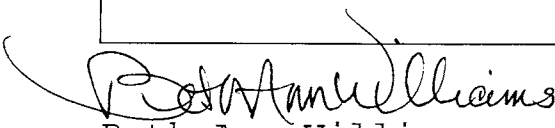
Mr. Hartman indicated that Timminco Corp generates somewhere between about 160 and 230 pounds of hazardous waste each month, depending on business volume. On the day of the inspection, this facility was operating as a Conditionally Exempt Small Quantity Generator (CESQG). However, due to their tendency to be an episodic Small Quantity Generator (SQG) during months of greater business volume, and because they comply with the greater regulatory requirements of a Small Quantity Generator, they desire to retain the current notified status as a Small Quantity Generator.

Although no violations were noted, there were two issues that were observed at the time of the inspection. These issues were corrected by facility personnel at the time of the site visit. These issues were as follows:

6 CCR 1007-3 Section 279.22  
Containers of used oil were labeled with the words "Waste Oil." Mr. Hartman instructed personnel to change the labels to read "Used Oil" at the time of the site visit.

6 CCR 1007-3, Section 262.20  
Line one of the hazardous waste manifests read "CESQG" rather than the facility's EPA ID number. Mr. Hartman understands that although Clean Harbors had been completing the manifests for Timminco Corp, it is the facility that is ultimately responsible that the manifests are completed accurately. Mr. Hartman took immediate action, at the time of the inspection, to ensure all future manifests will have the facility's EPA ID number listed on line one.

No other SQG issues were noted on the day of the site visit. See the inspection checklist for coverage areas.

  
Beth Ann Williams

Inspector

02/20/2008

Date Inspected (mm/dd/yyyy)

CLEAR FORM

**Colorado Department of Public Health and Environment**  
**Hazardous Materials and Waste Management Division**  
4300 Cherry Creek Drive South, Mail Code: HMWMD-CP-B2, Denver, Co 80246-1530  
(303) 692-3300

## Notice of Inspection

Facility Name <u>Timminco Corp</u>			EPA I.D.# <u>COD030446637</u>	Date <u>2/20/08</u>
Street <u>3595 Moline St</u>			Inspection Arranged Prior to Inspection <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Hour In: <u>12:00 P.M</u>
City <u>Aurora</u>	County <u>Adams</u>	Zip <u>80010</u>	Enter By: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Warrant	Hour Out: <u>1:30 P.M</u>
Facility Representatives <u>Dan Hartman</u>		Titles <u>EHS</u>	Telephone # <u>303.343.8667</u> <u>X215</u>	Agency: <input checked="" type="checkbox"/> State <input type="checkbox"/> Oversight <input type="checkbox"/> Joint
CURRENT NOTIFICATION(S) <input type="checkbox"/> LOG, <input checked="" type="checkbox"/> SQG, <input type="checkbox"/> Exempt, <input type="checkbox"/> LDF, <input type="checkbox"/> TSF, <input type="checkbox"/> Transporter, <input type="checkbox"/> Non-Notifier, <input type="checkbox"/> Transfer facility or <input type="checkbox"/> Other <u>                    </u> <b>To Change Status; Facility must send Letter or Revised Notification.</b>				

Comments:

A Compliance inspection (ERP-SQG) was conducted on 2/20/08. Please ensure all containers of used oil are marked or labeled with the words "Used Oil" (not waste oil). Ensure EPA ID no is on line one of all manifests. No violations were noted.

**Assistance Delivered During Inspection** (for internal use - check ALL that apply):

**Compliance Assistance:**

☒ Generator Handbook ☐ Field Assistance  
☒ Other guidance documents ☐ Referral to another program  
☐ Change in generator status ☐ downward ☐ upward

**Pollution Prevention:**

☐ Guidance/Referral  
☐ Field Assistance

**Current Waste Minimization:**

☐ Product Substitution  
☐ Distillation of solvents on site  
☐ Elementary Neutralization  
☐ Other

Samples, Documents, Plans, and / or Photos Collected	
1.	3.
2.	4.

State personnel will review the facts established by this inspection. A final determination of your facility's compliance with State Regulations will be made as a result of this review. The review may reveal additional violations.

Receipt of this Notice of Inspection Form is Acknowledged

Lead Inspector.

Assisting Inspector(s) and Multimedia Participant(s)

  
Signature of Facility Representative